

Exhibit 2b

Infringement Contentions – Evernote Corporation’s Android Mobile Apps

U.S. Patent No. 5,991,399

Claim	Analysis
1. A method of securely distributing data comprising:	<p>Evernote Corporation’s mobile software application products and services including by way of example, but not limited to the following apps (“mobile applications”, “mobile apps” or “Accused Products”) that are specifically developed, used, sold, offered for sale, marketed, licensed and distributed by Evernote Corporation to be downloaded onto Android mobile or tablet devices.</p> <ul style="list-style-type: none">• Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US), Last accessed on Mar 19, 2020 <p>Evernote Corporation directly infringes and/or continues to knowingly induce Google to infringe this claim by intentionally developing, making, marketing, advertising, providing, sending, distributing and licensing its mobile applications software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof.</p> <p>To the extent any steps identified herein are performed by Google, such acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Alternatively, any steps or acts performed by Evernote Corporation, are attributable to Google, who conditions participation in and the receipt of a benefit, namely, the distribution of Evernote Corporation’s mobile apps through its app store, upon compliance with certain mandatory procedures and guidelines dictated by Google in the building and upload of Evernote Corporation’s mobile apps, and Evernote Corporation induces infringement by Google in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>To the extent the preamble is limiting, Evernote Corporation distributes data according to the method of claim 1 as set forth below.</p> <p>In order to build and send the mobile app securely to the Google servers, Evernote Corporation practices the method of claim 1 as set forth below in order to securely distribute its mobile app to Evernote Corporation’s customers through the Google app store. As described below, Evernote Corporation registers with the Android Developer Console (https://play.google.com/apps/publish/, Last accessed on Mar 19, 2020) in order to securely upload Evernote Corporation’s apps onto the Google app store, Google Play, as evidenced by the “https” in the URL.</p>

How to use the Play Console

Register for a Google Play Developer account

To publish Android apps on Google Play, you'll need to create a Google Play Developer account.

Step 1: Sign up for a Google Play Developer account



1. Using your Google Account, [sign up for a Developer account](#).
2. Once you have a Developer account, you can use the Play Console to [publish and manage your apps](#).

Step 2: Accept the Developer Distribution Agreement



During the sign up process, you'll need to review and accept the [Google Play Developer Distribution Agreement](#).

Step 3: Pay registration fee



There is a \$25 USD one-time registration fee that you can pay with the following credit or debit cards:

- MasterCard
- Visa
- American Express
- Discover (U.S. only)
- Visa Electron (Outside of the U.S. only)

Note: The types of cards accepted may vary by location.

Step 4: Complete your account details



Type your account details. Your "Developer name" is displayed to customers on Google Play.

You can add more [account information](#) after you've created your account.

Source: <https://support.google.com/googleplay/android-developer/answer/6112435>, Last accessed on Mar 19, 2020

<p>generating an asymmetric key pair having a public key and a private key;</p>	<p>The Court previously construed¹ “an asymmetric key pair having a public key and a private key” in claim 1 to mean “one or more asymmetric key pairs, one of the asymmetric key pairs having the claimed public key and claimed private key, the asymmetric keys of an asymmetric key pair being complementary by performing complementary functions, such as encrypting and decrypting data or creating and verifying signatures.”</p> <p>Also relevant to this claim element is the Court’s previous construction of “executable tamper resistant key module” / “executable tamper resistant code module” / “tamper resistant key module” to mean “software that is designed to work with other software, that is resistant to observation and modification, and that includes a key for secure communication.”</p> <p>Also relevant to this claim element is the Court’s rejection of limiting “including” to compiling.</p> <p>Upon information and belief, the method step of “generating an asymmetric key pair having a public key and a private key” is performed by Google and/or its agents – whose acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Alternatively, to the extent any portion of this method step is performed by Evernote Corporation, such acts are attributable to Google, who conditions participation in and the receipt of a benefit, namely, the distribution of Evernote Corporation’s mobile apps through its app store, upon compliance with certain mandatory procedures and guidelines dictated by Google in the building and upload of Evernote Corporation’s mobile apps, and Evernote Corporation induces infringement by Google in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Evernote Corporation uploads their mobile apps to Google using a TLS connection – which begins with a TLS handshake. A TLS handshake is a mandatory procedure that allows Evernote Corporation and Google to exchange cryptographic parameters, including a cipher suite and arrive at a shared master secret for encrypting communication including upload of Evernote Corporation’s mobile apps to Google servers.</p> <p>A TLS handshake begins with Evernote Corporation sending a list of cipher suites supported by Evernote Corporation to Google. These cipher suites specify at least one or more of the following key exchange algorithms:</p>
---	--

¹ See Memorandum Opinion and Order, Document 104 signed by Judge Rodney Gilstrap on 7/21/2016 in re Plano Encryption Technologies, LLC v. American Bank of Texas (2:15-cv-01273).

	Key Exchange Alg.	Certificate Key Type
	RSA RSA_PSK	RSA public key; the certificate MUST allow the key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].
	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	
	Each of these algorithms necessitates generating one or more asymmetric key pairs.	
	For RSA and RSA_PSK , a Google server generates an RSA public-private key pair. The RSA public key and the RSA private key are complementary, by performing complementary function encrypting and decrypting data.	

For **DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA**, Google server generates an RSA public-private key pair as well as a Diffie-Hellman (“DH”) public-private key pair². Evernote Corporation also generates a second Diffie-Hellman public-private key pair. The RSA public key and the RSA private key are complementary by performing complementary functions, such as creating and verifying signatures. The Diffie-Hellman public key and the Diffie-Hellman private key are also complementary by performing complementary functions, such as encrypting and decrypting data. Specifically, as per the Diffie-Hellman key exchange algorithm, Evernote Corporation uses Google’s Diffie-Hellman public key combined with Evernote Corporation’s own Diffie-Hellman private key to compute a premaster secret and thereon a master secret³ for encrypting data. Google in turn uses Evernote Corporation’s Diffie-Hellman public key combined with Google’s own Diffie-Hellman private key to compute the same premaster secret and the master secret for decrypting encrypted data from Evernote Corporation. Conversely, Google uses Evernote Corporation’s Diffie-Hellman public key combined with Google’s own Diffie-Hellman private key to compute a premaster secret and thereon, a master secret⁴ for encrypting data. Evernote Corporation uses Google’s Diffie-Hellman public key combined with Evernote Corporation’s own Diffie-Hellman private key to compute a premaster secret and thereon a master secret for decrypting encrypted data from Google.

For **DHE_DSS and DH_DSS**, Google server generates a DSA public-private key pair as well as a Diffie-Hellman public-private key pair. Evernote Corporation also generates a second Diffie-Hellman public-private key pair. The DSA public key and the DSA private key are complementary by performing complementary functions, such as creating and verifying signatures. The Diffie-Hellman public key and the Diffie-Hellman private key are also complementary by performing complementary functions, such as encrypting and decrypting data. Specifically, as per the Diffie-Hellman key exchange algorithm, Evernote Corporation uses Google’s Diffie-Hellman public key combined with Evernote Corporation’s own Diffie-Hellman private key to compute a premaster secret and thereon a master secret⁵ for encrypting data. Google in turn uses Evernote Corporation’s Diffie-Hellman public key combined with Google’s own Diffie-Hellman private key to compute the same premaster secret and the master secret for decrypting encrypted data from Evernote Corporation. Conversely, Google uses Evernote Corporation’s Diffie-Hellman public key combined with Google’s own

² ECDH and ECDHE algorithms require generating at the server and the client, elliptical curve parameters that constitute a Diffie-Hellman public-private key pair. See, for example, <https://tools.ietf.org/html/rfc5246> page 49-52, <https://tools.ietf.org/html/rfc7525> page 12, <http://www.cse.hut.fi/fi/opinnot/T-110.5241/2011/luennot-files/Network%20Security%2004%20-%20TLS.pdf>, <http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/140sp/140sp2897.pdf>, <http://www.networkworld.com/article/2268575/lan-wan/chapter-2--ssl-vpn-technology.html>, <http://homes.esat.kuleuven.be/~fvercaut/papers/ACM2012.pdf>, Implementing SSL / TLS Using Cryptography and PKI by Joshua Davies, ISBN 1118038770, 9781118038772, [Page 305](#) and Introduction to Computer Networks and Cybersecurity By Chwan-Hwa (John) Wu, J. David Irwin, ISBN 1466572140, 9781466572140, [Page 1021](#), which state that ECDH requires generating a Diffie-Hellman public-private key pair, Last accessed on Mar 19, 2020

³ The master secret obtained from the premaster secret may be hashed according to a hashing algorithm also specified in the cipher suite in order to remove weak bits, as explained in <https://tools.ietf.org/html/rfc5246>, Sections 6.3, 7.4.9 and 8.1.

⁴ The master secret obtained from the premaster secret may be hashed according to a hashing algorithm also specified in the cipher suite in order to remove weak bits, as explained in <https://tools.ietf.org/html/rfc5246>, Sections 6.3, 7.4.9 and 8.1.

⁵ The master secret obtained from the premaster secret may be hashed according to a hashing algorithm also specified in the cipher suite in order to remove weak bits, as explained in <https://tools.ietf.org/html/rfc5246>, Sections 6.3, 7.4.9 and 8.1.

	<p>Diffie-Hellman private key to compute a premaster secret and thereon, a master secret⁶ for encrypting data. Evernote Corporation uses Google's Diffie-Hellman public key combined with Evernote Corporation's own Diffie-Hellman private key to compute a premaster secret and thereon a master secret for decrypting encrypted data from Google.</p> <p>For ECDH_ECDSA and ECDHE_ECDSA, a Google server generates an ECDSA public-private key pair as well as a Diffie-Hellman public-private key pair. Evernote Corporation also generates a second Diffie-Hellman public-private key pair. The ECDSA public key and the ECDSA private key are complementary by performing complementary functions, such as creating and verifying signatures. The Diffie-Hellman public key and the Diffie-Hellman private key are also complementary by performing complementary functions, such as encrypting and decrypting data. Specifically, as per the Diffie-Hellman key exchange algorithm, Evernote Corporation uses Google's Diffie-Hellman public key combined with Evernote Corporation's own Diffie-Hellman private key to compute a premaster secret and thereon a master secret⁷ for encrypting data. Google in turn uses Evernote Corporation's Diffie-Hellman public key combined with Google's own Diffie-Hellman private key to compute the same premaster secret and the master secret for decrypting encrypted data from Evernote Corporation. Conversely, Google uses Evernote Corporation's Diffie-Hellman public key combined with Google's own Diffie-Hellman private key to compute a premaster secret and thereon, a master secret⁸ for encrypting data. Evernote Corporation uses Google's Diffie-Hellman public key combined with Evernote Corporation's own Diffie-Hellman private key to compute a premaster secret and thereon a master secret for decrypting encrypted data from Google.</p>
--	--

⁶ The master secret obtained from the premaster secret may be hashed according to a hashing algorithm also specified in the cipher suite in order to remove weak bits, as explained in <https://tools.ietf.org/html/rfc5246>, Sections 6.3, 7.4.9 and 8.1.

⁷ The master secret obtained from the premaster secret may be hashed according to a hashing algorithm also specified in the cipher suite in order to remove weak bits, as explained in <https://tools.ietf.org/html/rfc5246>, Sections 6.3, 7.4.9 and 8.1.

⁸ The master secret obtained from the premaster secret may be hashed according to a hashing algorithm also specified in the cipher suite in order to remove weak bits, as explained in <https://tools.ietf.org/html/rfc5246>, Sections 6.3, 7.4.9 and 8.1.

	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	

7.4.3. Server Key Exchange Message

When this message will be sent:

This message will be sent immediately after the server Certificate message (or the ServerHello message, if this is an anonymous negotiation).

The ServerKeyExchange message is sent by the server only when the server Certificate message (if sent) does not contain enough data to allow the client to exchange a premaster secret. This is true for the following key exchange methods:

DHE_DSS
DHE_RSA
DH_anon

It is not legal to send the ServerKeyExchange message for the following key exchange methods:

RSA
DH_DSS
DH_RSA

This message conveys cryptographic information to allow the client to communicate the premaster secret: a Diffie-Hellman public key with which the client can complete a key exchange (with the result being the premaster secret) or a public key for some other algorithm.

Source: <https://tools.ietf.org/html/rfc5246> at 50-51, Last accessed on Mar 19, 2020

F.1.1.2. RSA Key Exchange and Authentication

With RSA, key exchange and server authentication are combined. The public key is contained in the server's certificate. Note that compromise of the server's static RSA key results in a loss of confidentiality for all sessions protected under that static key. TLS users desiring Perfect Forward Secrecy should use DHE cipher suites. The damage done by exposure of a private key can be limited by changing one's private key (and certificate) frequently.

After verifying the server's certificate, the client encrypts a `pre_master_secret` with the server's public key. By successfully decoding the `pre_master_secret` and producing a correct Finished message, the server demonstrates that it knows the private key corresponding to the server certificate.

When RSA is used for key exchange, clients are authenticated using the certificate verify message (see [Section 7.4.8](#)). The client signs a value derived from all preceding handshake messages. These handshake messages include the server certificate, which binds the signature to the server, and `ServerHello.random`, which binds the signature to the current handshake process.

F.1.1.3. Diffie-Hellman Key Exchange with Authentication

When Diffie-Hellman key exchange is used, the server can either supply a certificate containing fixed Diffie-Hellman parameters or use the server key exchange message to send a set of temporary Diffie-Hellman parameters signed with a DSA or RSA certificate. Temporary parameters are hashed with the `hello.random` values before signing to ensure that attackers do not replay old parameters. In either case, the client can verify the certificate or signature to ensure that the parameters belong to the server.

If the client has a certificate containing fixed Diffie-Hellman parameters, its certificate contains the information required to complete the key exchange. Note that in this case the client and server will generate the same Diffie-Hellman result (i.e.,

pre_master_secret) every time they communicate. To prevent the pre_master_secret from staying in memory any longer than necessary, it should be converted into the master_secret as soon as possible. Client Diffie-Hellman parameters must be compatible with those supplied by the server for the key exchange to work.

If the client has a standard DSA or RSA certificate or is unauthenticated, it sends a set of temporary parameters to the server in the client key exchange message, then optionally uses a certificate verify message to authenticate itself.

If the same DH keypair is to be used for multiple handshakes, either because the client or server has a certificate containing a fixed DH keypair or because the server is reusing DH keys, care must be taken to prevent small subgroup attacks. Implementations SHOULD follow the guidelines found in [SUBGROUP].

Small subgroup attacks are most easily avoided by using one of the DHE cipher suites and generating a fresh DH private key (X) for each handshake. If a suitable base (such as 2) is chosen, $g^X \bmod p$ can be computed very quickly; therefore, the performance cost is minimized. Additionally, using a fresh key for each handshake provides Perfect Forward Secrecy. Implementations SHOULD generate a new X for each handshake when using DHE cipher suites.

Because TLS allows the server to provide arbitrary DH groups, the client should verify that the DH group is of suitable size as defined by local policy. The client SHOULD also verify that the DH public exponent appears to be of adequate size. [KEYSIZ] provides a useful guide to the strength of various group sizes. The server MAY choose to assist the client by providing a known group, such as those defined in [IKEALG] or [MODP]. These can be verified by simple comparison.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

In addition, Evernote Corporation and/or Google also generate additional asymmetric key pairs for code-signing the mobile app prior to upload and during TLS communications during the operation of the mobile app.

Thus, at least one asymmetric key pair is generated having the claimed public key and claimed private key in building the tamper resistant app so that the mobile app code and metadata can be sent securely to the Google servers by SSL/TLS. This asymmetric key pair (as with the asymmetric key

	<p>pair used to digitally sign the app) is complementary as described below by performing complementary functions, such as encrypting and decrypting data and/or creating and verifying signatures. As described in greater detail below, the claimed public and private key are generated and used to securely upload the mobile app onto the Google servers by SSL/TLS when building the app, where the app includes the generated private key of the claimed asymmetric key pair and the encrypted predetermined data that has been encrypted with the generated public key of the claimed key pair.</p>
encrypting predetermined data with the generated public key;	<p>Upon information and belief, the method step of “encrypting predetermined data with the generated public key” is performed by Evernote Corporation and/or its agents.</p> <p>To the extent any portion of the method step is performed by Google and/or its agents, such acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>When Evernote Corporation uploads its mobile apps to Google, it connects to Google Play Developer Console using SSL/TLS protocol. Google and Evernote Corporation perform a TLS handshake procedure which uses asymmetric key encryption and necessitates generation of at least one asymmetric key pair. Specifically, Evernote Corporation negotiates with Google a cipher suite and the key exchange algorithm that will be used for the handshake.</p> <p>The cryptographic parameters of the session state are produced by the TLS Handshake Protocol, which operates on top of the TLS record layer. When a TLS client and server first start communicating, they agree on a protocol version, select cryptographic algorithms, optionally authenticate each other, and use public-key encryption techniques to generate shared secrets.</p> <p>The TLS Handshake Protocol involves the following steps:</p> <ul style="list-style-type: none">- Exchange hello messages to agree on algorithms, exchange random values, and check for session resumption.- Exchange the necessary cryptographic parameters to allow the client and server to agree on a premaster secret.- Exchange certificates and cryptographic information to allow the client and server to authenticate themselves.

- Generate a master secret from the premaster secret and exchanged random values.
- Provide security parameters to the record layer.
- Allow the client and server to verify that their peer has calculated the same security parameters and that the handshake occurred without tampering by an attacker.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

The actual key exchange uses up to four messages: the server Certificate, the ServerKeyExchange, the client Certificate, and the ClientKeyExchange. New key exchange methods can be created by specifying a format for these messages and by defining the use of the messages to allow the client and server to agree upon a shared secret. This secret MUST be quite long; currently defined key exchange methods exchange secrets that range from 46 bytes upwards.

Following the hello messages, the server will send its certificate in a Certificate message if it is to be authenticated. Additionally, a ServerKeyExchange message may be sent, if it is required (e.g., if the server has no certificate, or if its certificate is for signing only). If the server is authenticated, it may request a certificate from the client, if that is appropriate to the cipher suite selected. Next, the server will send the ServerHelloDone message, indicating that the hello-message phase of the handshake is complete. The server will then wait for a client response. If the server has sent a CertificateRequest message, the client MUST send the Certificate message. The ClientKeyExchange message is now sent, and the content of that message will depend on the public key algorithm selected between the ClientHello and the ServerHello. If the client has sent

	<p>a certificate with signing ability, a digitally-signed CertificateVerify message is sent to explicitly verify possession of the private key in the certificate.</p> <p>Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, https://tools.ietf.org/html/rfc5246, Last accessed on Mar 19, 2020</p> <p>The TLS Handshaking Protocols</p> <p>TLS has three subprotocols that are used to allow peers to agree upon security parameters for the record layer, to authenticate themselves, to instantiate negotiated security parameters, and to report error conditions to each other.</p> <p>The Handshake Protocol is responsible for negotiating a session, which consists of the following items:</p> <p>session identifier</p> <p>An arbitrary byte sequence chosen by the server to identify an active or resumable session state.</p> <p>peer certificate</p> <p>X509v3 [PKIX] certificate of the peer. This element of the state may be null.</p> <p>compression method</p> <p>The algorithm used to compress data prior to encryption.</p> <p>cipher spec</p> <p>Specifies the pseudorandom function (PRF) used to generate keying material, the bulk data encryption algorithm (such as null, AES, etc.) and the MAC algorithm (such as HMAC-SHA1). It also defines cryptographic attributes such as the mac_length. (See Appendix A.6 for formal definition.)</p>
--	--

	<p>master secret 48-byte secret shared between the client and server.</p> <p>is resumable A flag indicating whether the session can be used to initiate new connections.</p> <p>These items are then used to create security parameters for use by the record layer when protecting application data. Many connections can be instantiated using the same session through the resumption feature of the TLS Handshake Protocol.</p> <p>Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, https://tools.ietf.org/html/rfc5246, Last accessed on Mar 19, 2020</p> <p>As explained above, Evernote Corporation and Google negotiate a key exchange algorithm from among the following key exchange algorithms:</p> <table><tr><th>Key Exchange Alg.</th><th>Certificate Key Type</th></tr><tr><td>RSA</td><td>RSA public key; the certificate MUST allow the key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present).</td></tr><tr><td>RSA_PSK</td><td>Note: RSA_PSK is defined in [TLSPSK].</td></tr></table>	Key Exchange Alg.	Certificate Key Type	RSA	RSA public key; the certificate MUST allow the key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present).	RSA_PSK	Note: RSA_PSK is defined in [TLSPSK].
Key Exchange Alg.	Certificate Key Type						
RSA	RSA public key; the certificate MUST allow the key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present).						
RSA_PSK	Note: RSA_PSK is defined in [TLSPSK].						

	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	

F.1.1.2. RSA Key Exchange and Authentication

With RSA, key exchange and server authentication are combined. The public key is contained in the server's certificate. Note that compromise of the server's static RSA key results in a loss of confidentiality for all sessions protected under that static key. TLS users desiring Perfect Forward Secrecy should use DHE cipher suites. The damage done by exposure of a private key can be limited by changing one's private key (and certificate) frequently.

After verifying the server's certificate, the client encrypts a `pre_master_secret` with the server's public key. By successfully decoding the `pre_master_secret` and producing a correct Finished message, the server demonstrates that it knows the private key corresponding to the server certificate.

When RSA is used for key exchange, clients are authenticated using the certificate verify message (see [Section 7.4.8](#)). The client signs a value derived from all preceding handshake messages. These handshake messages include the server certificate, which binds the signature to the server, and `ServerHello.random`, which binds the signature to the current handshake process.

F.1.1.3. Diffie-Hellman Key Exchange with Authentication

When Diffie-Hellman key exchange is used, the server can either supply a certificate containing fixed Diffie-Hellman parameters or use the server key exchange message to send a set of temporary Diffie-Hellman parameters signed with a DSA or RSA certificate. Temporary parameters are hashed with the `hello.random` values before signing to ensure that attackers do not replay old parameters. In either case, the client can verify the certificate or signature to ensure that the parameters belong to the server.

If the client has a certificate containing fixed Diffie-Hellman parameters, its certificate contains the information required to complete the key exchange. Note that in this case the client and server will generate the same Diffie-Hellman result (i.e.,

pre_master_secret) every time they communicate. To prevent the pre_master_secret from staying in memory any longer than necessary, it should be converted into the master_secret as soon as possible. Client Diffie-Hellman parameters must be compatible with those supplied by the server for the key exchange to work.

If the client has a standard DSA or RSA certificate or is unauthenticated, it sends a set of temporary parameters to the server in the client key exchange message, then optionally uses a certificate verify message to authenticate itself.

If the same DH keypair is to be used for multiple handshakes, either because the client or server has a certificate containing a fixed DH keypair or because the server is reusing DH keys, care must be taken to prevent small subgroup attacks. Implementations SHOULD follow the guidelines found in [SUBGROUP].

Small subgroup attacks are most easily avoided by using one of the DHE cipher suites and generating a fresh DH private key (X) for each handshake. If a suitable base (such as 2) is chosen, $g^X \bmod p$ can be computed very quickly; therefore, the performance cost is minimized. Additionally, using a fresh key for each handshake provides Perfect Forward Secrecy. Implementations SHOULD generate a new X for each handshake when using DHE cipher suites.

Because TLS allows the server to provide arbitrary DH groups, the client should verify that the DH group is of suitable size as defined by local policy. The client SHOULD also verify that the DH public exponent appears to be of adequate size. [KEYSIZ] provides a useful guide to the strength of various group sizes. The server MAY choose to assist the client by providing a known group, such as those defined in [IKEALG] or [MODP]. These can be verified by simple comparison.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

For each of the above key exchange algorithms, Google and/or Evernote Corporation encrypts predetermined data using the generated public key(s).

For **RSA and RSA_PSK**, Evernote Corporation encrypts a random premaster secret with Google’s RSA public key and sends the encrypted premaster secret to Google. Google decrypts the premaster secret with its matched RSA private key. Evernote Corporation and Google both use the premaster secret to compute a master secret which is then used by both Evernote Corporation and Google to encrypt all subsequent communications between

	<p>Evernote Corporation and Google. Therefore, when any of RSA and RSA_PSK algorithms are chosen during a TLS handshake, Evernote Corporation encrypts predetermined data (i.e. the premaster secret) with the generated public key (i.e. Google’s RSA public key).</p> <p>For the other key exchange algorithms, namely Diffie-Hellman based algorithms such as DHE_RSA, ECDHE_RSA, DH_RSA, DHE_DSS, DH_DSS, ECDH_RSA, ECDH_ECDSA and ECDHE_ECDSA, Evernote Corporation sends its Diffie-Hellman public key⁹ to Google while Google sends its Diffie-Hellman public key to Evernote Corporation. Evernote Corporation then uses Google’s Diffie-Hellman public key combined with Evernote Corporation’s own Diffie-Hellman private key to compute a premaster secret. Google in turn uses Evernote Corporation’s Diffie-Hellman public key combined with Google’s own Diffie-Hellman private key to compute the same premaster secret. Evernote Corporation and Google both use the premaster secret to compute a master secret¹⁰ which is then used by both Evernote Corporation and Google to encrypt all subsequent communications between Evernote Corporation and Google.</p> <p>Therefore, when any of the Diffie-Hellman based key exchange algorithms are chosen during a TLS handshake, Evernote Corporation encrypts predetermined data, i.e. all communication with Google subsequent to the TLS handshake, including at least the executable compiled code related to its mobile apps and information such as name, category, screenshots and description related to Evernote Corporation’s mobile apps, with the generated public key, i.e. Google’s Diffie-Hellman public key, since the master secret used to encrypt the predetermined data is a combination of Google’s Diffie-Hellman public key and Evernote Corporation’s Diffie-Hellman private key¹¹.</p> <p>Similarly, when any of the Diffie-Hellman based key exchange algorithms are chosen during a TLS handshake, Google encrypts predetermined data, i.e. all communication with Google subsequent to the TLS handshake, including at least textual and graphic data and software relating to Google Play Developer Console website and forms that Evernote Corporation uses for uploading its mobile app to Google Play Store, with the generated public key, i.e. Evernote Corporation’s Diffie-Hellman public key, since the master secret used to encrypt the predetermined data is a combination of Evernote Corporation’s Diffie-Hellman public key and Google’s Diffie-Hellman private key¹².</p>
and building an executable tamper resistant key module identified for a	Relevant to this claim element is the Court’s previous construction ¹³ of “executable tamper resistant key module” / “executable tamper resistant code module” / “tamper resistant key module” to mean “software that is designed to work with other software, that is resistant to observation and

⁹ For Diffie-Hellman (DH) based algorithms such as DH_RSA, DHE_RSA, ECDH_RSA, ECDHE_RSA, DH_DSS, DHE_DSS, ECDH_ECDSA and ECDHE_ECDSA, Google calculates a hash of the message containing their Diffie-Hellman public key and encrypts the hash with their RSA/DSA/ECDSA private key (i.e. signing the message). Google then sends that RSA/DSA/ECDSA public key to Evernote Corporation in a digital certificate so that Evernote Corporation can authenticate the Google server by decrypting the hash using Google’s public key and matching the decryption result to a hash of the received message as calculated by Evernote Corporation itself. If the two values match, Evernote Corporation knows that the message originated from Google and not from a malicious third party.

¹⁰ The master secret obtained from the premaster secret may be hashed according to a hashing algorithm also specified in the cipher suite in order to remove weak bits, as explained in <https://tools.ietf.org/html/rfc5246>, Sections 6.3, 7.4.9 and 8.1.

¹¹ See, for example, <https://tools.ietf.org/html/rfc2631>, Page 2, Last accessed on Mar 19, 2020

¹² Id.

¹³ See Memorandum Opinion and Order, Document 104 signed by Judge Rodney Gilstrap on 7/21/2016 in re Plano Encryption Technologies, LLC v. American Bank of Texas (2:15-cv-01273).

<p>selected program, the executable tamper resistant key module including the generated private key and the encrypted predetermined data.</p>	<p>modification, and that includes a key for secure communication.” Also relevant to this claim element is the Court’s previous rejection of limiting “including” to compiling¹⁴.</p> <p>The method step of “building an executable tamper resistant key module identified for a selected program, the executable tamper resistant key module including the generated private key and the encrypted predetermined data” is performed by Evernote Corporation and/or its agents.</p> <p>To the extent any portion of the method step is performed by Google and/or its agents, such acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Building of an “executable tamper resistant code module” (that is, the mobile app) requires the inclusion of at least the following different asymmetric key pairs:</p> <p>(1) An asymmetric key pair must be included in order to send the mobile app from Evernote Corporation to Google securely by SSL/TLS; and</p> <p>(2) An asymmetric key pair must be included by Evernote Corporation in order to digitally sign the mobile app with a private asymmetric key and to verify the mobile app has not been changed with the public key for Android compatible mobile apps.</p> <p>The asymmetric key pair that is included to digitally sign the mobile app is different from and in addition to the claimed asymmetric key pair used to securely upload the mobile app to the Google servers for distribution on the Google Play Store.</p> <p>Thus, at least one asymmetric key pair is included having the claimed public key and claimed private key in building the tamper resistant app so that the mobile app code can be sent uploaded to the Google servers using SSL/TLS protocol. This asymmetric key pair(s) (as with the asymmetric key pair used to digitally sign the app) is complementary as described below by performing complementary functions, such as encrypting and decrypting data and/or creating and verifying signatures. As described in greater detail below, the claimed public and private key are generated and used to securely upload the mobile app onto the Google servers by SSL/TLS when building the app, where the app includes the generated private key of the claimed asymmetric key pair(s) and the encrypted predetermined data.</p> <p>Evernote Corporation uploads their mobile apps to Google using a TLS connection – which begins with a TLS handshake. A TLS handshake is a mandatory procedure that allows Evernote Corporation and Google to exchange cryptographic parameters, including a cipher suite and arrive at a shared master secret for encrypting communication including upload of Evernote Corporation’s mobile apps to Google servers.</p>
---	--

¹⁴ Also relevant is the Court’s construction of “an asymmetric key pair having a public key and a private key” in claims 1, 9 and 10 to mean “one or more asymmetric key pairs, one of the asymmetric key pairs having the claimed public key and claimed private key, the asymmetric keys of an asymmetric key pair being complementary by performing complementary functions, such as encrypting and decrypting data or creating and verifying signatures.”

A TLS handshake begins with Evernote Corporation sending a list of cipher suites supported by Evernote Corporation to Google. These cipher suites specify at least one or more of the following key exchange algorithms:

Key Exchange Alg.	Certificate Key Type
RSA RSA_PSK	RSA public key; the certificate MUST allow the key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].
DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].

Source: <https://tools.ietf.org/html/rfc5246> at 48-49, Last accessed on Mar 19, 2020

	<p>For each of the key exchange algorithms, Evernote Corporation and/or Google build an executable tamper resistant key module that includes the generated private key and the encrypted predetermined data.</p> <p>For RSA and RSA_PSK, the executable tamper resistant key module includes encrypted predetermined data (i.e. the encrypted premaster secret) as it would be impossible for Evernote Corporation to send its mobile app to Google using SSL/TLS without encrypting a premaster secret and sending it to Google. The executable tamper resistant key module also includes:</p> <ol style="list-style-type: none">1. Google's RSA private key corresponding to Google's RSA public key used by Evernote Corporation to encrypt the premaster secret.2. Evernote Corporation's private key used to code-sign the mobile app. <p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA, the executable tamper resistant key module includes encrypted predetermined data (i.e. all communication with Google subsequent to the TLS handshake, including at least the executable compiled code related to its mobile apps and information such as name, category, screenshots and description related to Evernote Corporation's mobile apps). The executable tamper resistant key module also includes:</p> <ol style="list-style-type: none">1. Google's Diffie-Hellman private key corresponding to Google's Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.2. Evernote Corporation's Diffie-Hellman private key used to compute the shared master secret.3. Google's RSA private key used to sign the message containing Google's Diffie-Hellman public key.4. Evernote Corporation's private key used to code-sign the mobile app. <p>For DHE_DSS and DH_DSS, the executable tamper resistant key module includes encrypted predetermined data (i.e. all communication with Google subsequent to the TLS handshake, including at least the executable compiled code related to its mobile apps and information such as name, category, screenshots and description related to Evernote Corporation's mobile apps). The executable tamper resistant key module also includes:</p> <ol style="list-style-type: none">1. Google's Diffie-Hellman private key corresponding to Google's Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.2. Evernote Corporation's Diffie-Hellman private key used to compute the shared master secret.3. Google's DSA private key used to sign the message containing Google's Diffie-Hellman public key.4. Evernote Corporation's private key used to code-sign the mobile app. <p>For ECDH_ECDSA and ECDHE_ECDSA, the executable tamper resistant key module includes encrypted predetermined data (i.e. all communication with Google subsequent to the TLS handshake, including at least the executable compiled code related to its mobile apps and information such as name, category, screenshots and description related to Evernote Corporation's mobile apps). The executable tamper resistant key module also includes:</p> <ol style="list-style-type: none">1. Google's Diffie-Hellman private key corresponding to Google's Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.
--	--

2. Evernote Corporation’s Diffie-Hellman private key used to compute the shared master secret.
3. Google’s ECDSA private key used to sign the message containing Google’s Diffie-Hellman public key.
4. Evernote Corporation’s private key used to code-sign the mobile app.

Evernote Corporation builds an executable tamper resistant key module identified for a selected program resident on a remote system. Specifically, Evernote Corporation builds a mobile app, which is an executable tamper resistant key module, as explained in more detail below. This mobile app is identified for a selected program resident on a remote system, namely the Android operating system on a remote mobile device.

The mobile app comprises an executable tamper resistant key module that is identified for the Android program and includes the claimed private key described above and the encrypted predetermined data encrypted with the claimed public key also described above in building the mobile app so that it can be made available for download from Google servers onto devices compatible with Android operating system for use by customers of Evernote Corporation. An asymmetric key pair is used not only to upload the binary code files for the mobile app, but an entire application package, including all of the metadata for the app, such as title, screenshots, and other resources or information such as application type, category, price, *etc.* which are included during the upload process so that the mobile app can be identified by potential users for download¹⁵.

Evernote Corporation’s mobile app is each an executable tamper resistant key module because it is designed to work with other software, namely the Android operating system as well as other applications or programs installed on a user’s mobile device; because the mobile app is resistant to observation and modification, as explained below; and because in building Evernote Corporation mobile apps on the Google platform, Evernote Corporation’s apps include at least the claimed generated private key and the encrypted predetermined data including by way of example, the pre-master secret encrypted with the claimed generated public key when the mobile app is securely uploaded onto the Google servers as described above.

The tamper resistant key module includes several keys “used for secure communications” per the Court’s previous construction including at least the following:

For **RSA and RSA_PSK**:

1. Google’s RSA private key corresponding to Google’s RSA public key used by Evernote Corporation to encrypt the premaster secret.
2. Evernote Corporation’s private key used to code-sign the mobile app.
3. Symmetric key used for uploading the mobile app to Google subsequent to the TLS handshake.
4. Asymmetric keys and symmetric keys used for TLS communications during operation of the app.

For **DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA**:

¹⁵ See, e.g., <https://developer.android.com/studio/publish/index.html>, Last accessed on Mar 19, 2020

	<div>1. Google’s Diffie-Hellman private key corresponding to Google’s Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.</div> <div>2. Evernote Corporation’s Diffie-Hellman private key used to compute the shared master secret.</div> <div>3. Google’s RSA private key used to sign the message containing Google’s Diffie-Hellman public key.</div> <div>4. Evernote Corporation’s private key used to code-sign the mobile app.</div> <div>5. Shared master secret key used for uploading the mobile app to Google subsequent to the TLS handshake.</div> <div>6. Asymmetric keys and symmetric keys used for TLS communications during operation of the app.</div> <div>For DHE_DSS and DH_DSS:</div> <div>1. Google’s Diffie-Hellman private key corresponding to Google’s Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.</div> <div>2. Evernote Corporation’s Diffie-Hellman private key used to compute the shared master secret.</div> <div>3. Google’s DSA private key used to sign the message containing Google’s Diffie-Hellman public key.</div> <div>4. Evernote Corporation’s private key used to code-sign the mobile app.</div> <div>5. Shared master secret key used for uploading the mobile app to Google subsequent to the TLS handshake.</div> <div>6. Asymmetric keys and symmetric keys used for TLS communications during operation of the app.</div> <div>For ECDH_ECDSA and ECDHE_ECDSA:</div> <div>1. Google’s Diffie-Hellman private key corresponding to Google’s Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.</div> <div>2. Evernote Corporation’s Diffie-Hellman private key used to compute the shared master secret.</div> <div>3. Google’s ECDSA private key used to sign the message containing Google’s Diffie-Hellman public key.</div> <div>4. Evernote Corporation’s private key used to code-sign the mobile app.</div> <div>5. Shared master secret key used for uploading the mobile app to Google subsequent to the TLS handshake.</div> <div>6. Asymmetric keys and symmetric keys used for TLS communications during operation of the app.</div> <div>Evernote Corporation’s mobile apps are tamper resistant, resistant to observation and modification, as follows:</div> <div>1. Resistant to Observation Because App Source Code Is Compiled Before Upload</div>
--	--

	<p>Evernote Corporation mobile apps are resistant to observation, at least in part, since Evernote Corporation compiles its mobile app source code before submitting the app to Google – and uploads the binary output of the compilation process rather than the source code itself¹⁶.</p> <p>See, Android Studio Users Guide, “Prepare for Release” stating “To release your application to users you need to create a release-ready package that users can install and run on their Android-powered devices. The release-ready package contains the same components as the debug APK file — compiled source code, resources, manifest file, and so on — and it is built using the same build tools. However, unlike the debug APK file, the release-ready APK file is signed with your own certificate and it is optimized with the zipalign tool.” https://developer.android.com/studio/publish/preparing.html, Last accessed on Mar 19, 2020</p> <p>2. Resistant to Observation Because Upload To Google Is Over SSL/TLS</p> <p>Evernote Corporation’s mobile apps are made further resistant to observation, at least in part, because the mobile app is securely sent by SSL/TLS to Google as part of the building process. Android Developer Console (https://play.google.com/apps/publish/, Last accessed on Mar 19, 2020) establishes SSL/TLS communications when uploading Evernote Corporation’s apps, as evidenced by the “https” in the URL. Sending the mobile app code by SSL/TLS is necessary to keep the code from being observed in transit from the code developer to Google.</p> <p>The secure upload process starts with a TLS handshake procedure which uses asymmetric key encryption and necessitates generation of at least one asymmetric key pair. Specifically, Evernote Corporation negotiates with Google the cipher suite and the key exchange algorithm that will be used for the handshake.</p> <table><tr><th>Key Exchange Alg.</th><th>Certificate Key Type</th></tr><tr><td>RSA</td><td>RSA public key; the certificate MUST allow the</td></tr><tr><td>RSA_PSK</td><td>key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].</td></tr></table>	Key Exchange Alg.	Certificate Key Type	RSA	RSA public key; the certificate MUST allow the	RSA_PSK	key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].
Key Exchange Alg.	Certificate Key Type						
RSA	RSA public key; the certificate MUST allow the						
RSA_PSK	key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].						

¹⁶ See, e.g., <https://developer.android.com/studio/build/index.html>, Last accessed on Mar 19, 2020

	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	

F.1.1.2. RSA Key Exchange and Authentication

With RSA, key exchange and server authentication are combined. The public key is contained in the server's certificate. Note that compromise of the server's static RSA key results in a loss of confidentiality for all sessions protected under that static key. TLS users desiring Perfect Forward Secrecy should use DHE cipher suites. The damage done by exposure of a private key can be limited by changing one's private key (and certificate) frequently.

After verifying the server's certificate, the client encrypts a `pre_master_secret` with the server's public key. By successfully decoding the `pre_master_secret` and producing a correct Finished message, the server demonstrates that it knows the private key corresponding to the server certificate.

When RSA is used for key exchange, clients are authenticated using the certificate verify message (see [Section 7.4.8](#)). The client signs a value derived from all preceding handshake messages. These handshake messages include the server certificate, which binds the signature to the server, and `ServerHello.random`, which binds the signature to the current handshake process.

F.1.1.3. Diffie-Hellman Key Exchange with Authentication

When Diffie-Hellman key exchange is used, the server can either supply a certificate containing fixed Diffie-Hellman parameters or use the server key exchange message to send a set of temporary Diffie-Hellman parameters signed with a DSA or RSA certificate. Temporary parameters are hashed with the `hello.random` values before signing to ensure that attackers do not replay old parameters. In either case, the client can verify the certificate or signature to ensure that the parameters belong to the server.

If the client has a certificate containing fixed Diffie-Hellman parameters, its certificate contains the information required to complete the key exchange. Note that in this case the client and server will generate the same Diffie-Hellman result (i.e.,

pre_master_secret) every time they communicate. To prevent the pre_master_secret from staying in memory any longer than necessary, it should be converted into the master_secret as soon as possible. Client Diffie-Hellman parameters must be compatible with those supplied by the server for the key exchange to work.

If the client has a standard DSA or RSA certificate or is unauthenticated, it sends a set of temporary parameters to the server in the client key exchange message, then optionally uses a certificate verify message to authenticate itself.

If the same DH keypair is to be used for multiple handshakes, either because the client or server has a certificate containing a fixed DH keypair or because the server is reusing DH keys, care must be taken to prevent small subgroup attacks. Implementations SHOULD follow the guidelines found in [SUBGROUP].

Small subgroup attacks are most easily avoided by using one of the DHE cipher suites and generating a fresh DH private key (X) for each handshake. If a suitable base (such as 2) is chosen, $g^X \bmod p$ can be computed very quickly; therefore, the performance cost is minimized. Additionally, using a fresh key for each handshake provides Perfect Forward Secrecy. Implementations SHOULD generate a new X for each handshake when using DHE cipher suites.

Because TLS allows the server to provide arbitrary DH groups, the client should verify that the DH group is of suitable size as defined by local policy. The client SHOULD also verify that the DH public exponent appears to be of adequate size. [KEYSIZ] provides a useful guide to the strength of various group sizes. The server MAY choose to assist the client by providing a known group, such as those defined in [IKEALG] or [MODP]. These can be verified by simple comparison.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

For each of the above key exchange algorithms, Google and/or Evernote Corporation encrypts all communication, including upload of the mobile app, using a master secret, rendering the communication resistant to observation during transit from Evernote Corporation to Google.

For **RSA and RSA_PSK**, Evernote Corporation encrypts a random premaster secret with Google’s RSA public key and sends the encrypted premaster secret to Google. Google decrypts the premaster secret with its matched RSA private key. Evernote Corporation and Google both use the premaster

	<p>secret to compute a master secret which is then used by both Evernote Corporation and Google to encrypt all subsequent communications between Evernote Corporation and Google.</p> <p>For the other key exchange algorithms, namely Diffie-Hellman based algorithms such as DHE_RSA, ECDHE_RSA, DH_RSA, DHE_DSS, DH_DSS, ECDH_RSA, ECDH_ECDSA and ECDHE_ECDSA, Evernote Corporation sends its Diffie-Hellman public key¹⁷ to Google while Google sends its Diffie-Hellman public key to Evernote Corporation. Evernote Corporation then uses Google’s Diffie-Hellman public key combined with Evernote Corporation’s own Diffie-Hellman private key to compute a premaster secret. Google in turn uses Evernote Corporation’s Diffie-Hellman public key combined with Google’s own Diffie-Hellman private key to compute the same premaster secret. Evernote Corporation and Google both use the premaster secret to compute a master secret which is then used by both Evernote Corporation and Google to encrypt all subsequent communications between Evernote Corporation and Google.</p> <p>3. Resistant to Modification Because App Binary Is Code Signed</p> <p>The mobile app code is made resistant to modification, at least in part, because the app binary is code signed. Google dictates that each developer must sign the mobile app submission with his/her asymmetric developer key that certifies that the app has not been modified by a third party impersonator¹⁸.</p> <p><i>Android requires that the user generates an asymmetric key all apps be digitally signed with a certificate before they can be installed. Android uses this certificate to identify the author of an app</i></p> <p>Source: https://developer.android.com/studio/publish/app-signing.html, Last accessed on Mar 19, 2020</p> <p><i>A public-key certificate, also known as a digital certificate or an identity certificate, contains the public key of a public/private key pair, as well as some other metadata identifying the owner of the key (for example, name and location). The owner of the certificate holds the corresponding private key.</i></p> <p><i>When you sign an APK, the signing tool attaches the public-key certificate to the APK. The public-key certificate serves as as a "fingerprint" that uniquely associates the APK to you and your corresponding private key. This helps Android ensure that any future updates to your APK are authentic and come from the original author.</i></p> <p><i>A keystore is a binary file that contains one or more private keys. When you sign an APK for release using Android Studio, you can choose to generate a new keystore and private key or use a keystore and private key you already have.</i></p>
--	---

¹⁷ For Diffie-Hellman (DH) based algorithms such as DH_RSA, DHE_RSA, ECDH_RSA, ECDHE_RSA, DH_DSS, DHE_DSS, ECDH_ECDSA and ECDHE_ECDSA, Google calculates a hash of the message containing their Diffie-Hellman public key and encrypts the hash with their RSA/DSA/ECDSA private key (i.e. signing the message). Google then sends that RSA/DSA/ECDSA public key to Evernote Corporation in a digital certificate so that Evernote Corporation can authenticate the Google server by decrypting the hash using Google’s public key and matching the decryption result to a hash of the received message as calculated by Evernote Corporation itself. If the two values match, Evernote Corporation knows that the message originated from Google and not from a malicious third party.

¹⁸ See, e.g., <https://developer.android.com/tools/publishing/app-signing.html>, Last accessed on Mar 19, 2020

Source: <https://developer.android.com/studio/publish/app-signing.html>, Last accessed on Mar 19, 2020

Generate a key and keystore

You can generate an app signing or upload key using Android Studio, using the following steps:

1. In the menu bar, click **Build > Generate Signed APK**.
2. Select a module from the drop down, and click **Next**.
3. Click **Create new** to create a new key and keystore.
4. On the **New Key Store** window, provide the following information for your keystore and key, as shown in figure 3.

Keystore

- o **Key store path:** Select the location where your keystore should be created.
- o **Password:** Create and confirm a secure password for your keystore.

Key

- o **Alias:** Enter an identifying name for your key.
- o **Password:** Create and confirm a secure password for your key. This should be different from the password you chose for your keystore
- o **Validity (years):** Set the length of time in years that your key will be valid. Your key should be valid for at least 25 years, so you can sign app updates with the same key through the lifespan of your app.
- o **Certificate:** Enter some information about yourself for your certificate. This information is not displayed in your app, but is included in your certificate as part of the APK.

Once you complete the form, click **OK**.

5. Continue on to [Manually sign an APK](#) if you would like to generate an APK signed with your new key, or click **Cancel** if you only want to generate a key and keystore, not sign an APK.
6. If you would like to opt in to use Google Play App Signing, proceed to [Manage your app signing keys](#) and follow the instructions to set up Google Play App Signing.

Figure 3. Create a new keystore in Android Studio.

Source: <http://web.archive.org/web/20171107004101/https://developer.android.com/studio/publish/app-signing.html#sign-apk>, Last accessed on Mar 19, 2020

Build and sign your app from command line

You do not need Android Studio to sign your app. You can sign your app from the command line using the `apksigner` tool or configure Gradle to sign it for you during the build. Either way, you need to first generate a private key using `keytool`. For example:

```
keytool -genkey -v -keystore my-release-key.jks
-keyalg RSA -keysize 2048 -validity 10000 -alias my-alias
```

Note: `keytool` is located in the `bin/` directory in your JDK. To locate your JDK from Android Studio, select **File > Project Structure**, and then click **SDK Location** and you will see the **JDK location**.

This example prompts you for passwords for the keystore and key, and to provide the Distinguished Name fields for your key. It then generates the keystore as a file called `my-release-key.jks`, saving it in the current directory (you can move it wherever you'd like). The keystore contains a single key that is valid for 10,000 days.

Now you can [build an unsigned APK and sign it manually](#) or instead [configure Gradle to sign your APK](#).

Build an unsigned APK and sign it manually

1. Open a command line and navigate to the root of your project directory—from Android Studio, select **View > Tool Windows > Terminal**. Then invoke the `assembleRelease` task:

```
gradlew assembleRelease
```

This creates an APK named `module_name-unsigned.apk` in `project_name/module_name/build/outputs/apk/`. The APK is *unsigned* and *unaligned* at this point—it can't be installed until signed with your private key.
2. Align the unsigned APK using `zipalign`:

```
zipalign -v -p 4 my-app-unsigned.apk my-app-unsigned-aligned.apk
```

`zipalign` ensures that all uncompressed data starts with a particular byte alignment relative to the start of the file, which may reduce the amount of RAM consumed by an app.
3. Sign your APK with your private key using `apksigner`:

```
apksigner sign --ks my-release-key.jks --out my-app-release.apk my-app-unsigned-aligned.apk
```

This example outputs the signed APK at `my-app-release.apk` after signing it with a private key and certificate that are stored in a single KeyStore file: `my-release-key.jks`.

The `apksigner` tool supports other signing options, including signing an APK file using separate private key and certificate files, and signing an APK using multiple signers. For more details, see the [apksigner](#) reference.

Note: To use the `apksigner` tool, you must have revision 24.0.3 or higher of the Android SDK Build Tools installed. You can update this package using the [SDK Manager](#).

4. Verify that your APK is signed:

```
apksigner verify my-app-release.apk
```

Source: <http://web.archive.org/web/20171107004101/https://developer.android.com/studio/publish/app-signing.html#sign-apk>, Last accessed on Mar 19, 2020

Secure your key

If you choose to manage and secure your app signing key and keystore yourself (instead of opting in to [use Google Play App Signing](#)), securing your app signing key is of critical importance, both to you and to the user. If you allow someone to use your key, or if you leave your keystore and passwords in an unsecured location such that a third-party could find and use them, your authoring identity and the trust of the user are compromised.

Note: If you use Google Play App Signing, your app signing key is kept secure using Google's infrastructure. You should still keep your upload key secure as described below. If your upload key is compromised, you can contact Google to revoke it and receive a new upload key.

If a third party should manage to take your key without your knowledge or permission, that person could sign and distribute apps that maliciously replace your authentic apps or corrupt them. Such a person could also sign and distribute apps under your identity that attack other apps or the system itself, or corrupt or steal user data.

Your private key is required for signing all future versions of your app. If you lose or misplace your key, you will not be able to publish updates to your existing app. You cannot regenerate a previously generated key.

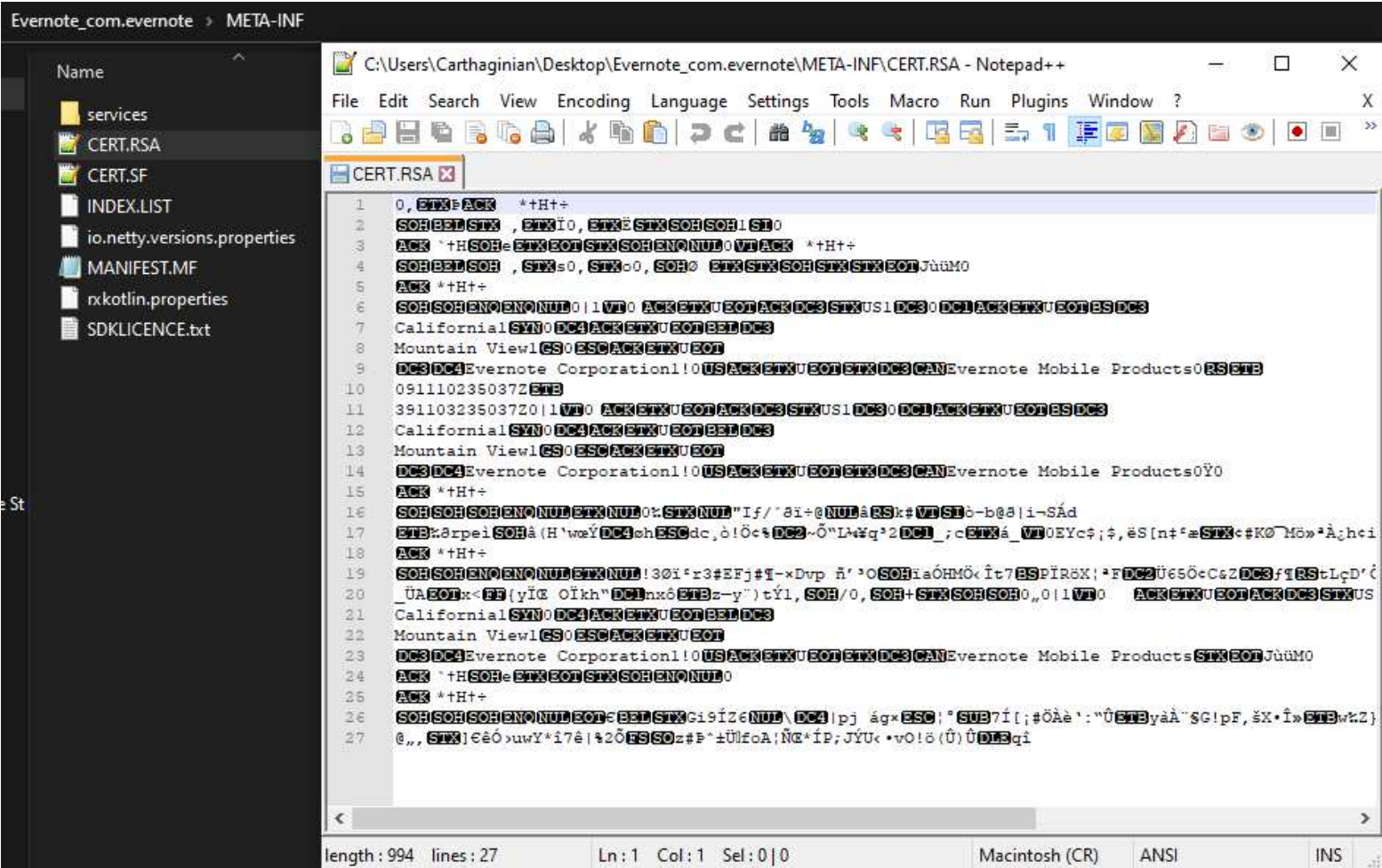
Your reputation as a developer entity depends on your securing your app signing key properly, at all times, until the key is expired. Here are some tips for keeping your key secure:

- Select strong passwords for the keystore and key.
- Do not give or lend anyone your private key, and do not let unauthorized persons know your keystore and key passwords.
- Keep the keystore file containing your private key in a safe, secure place.

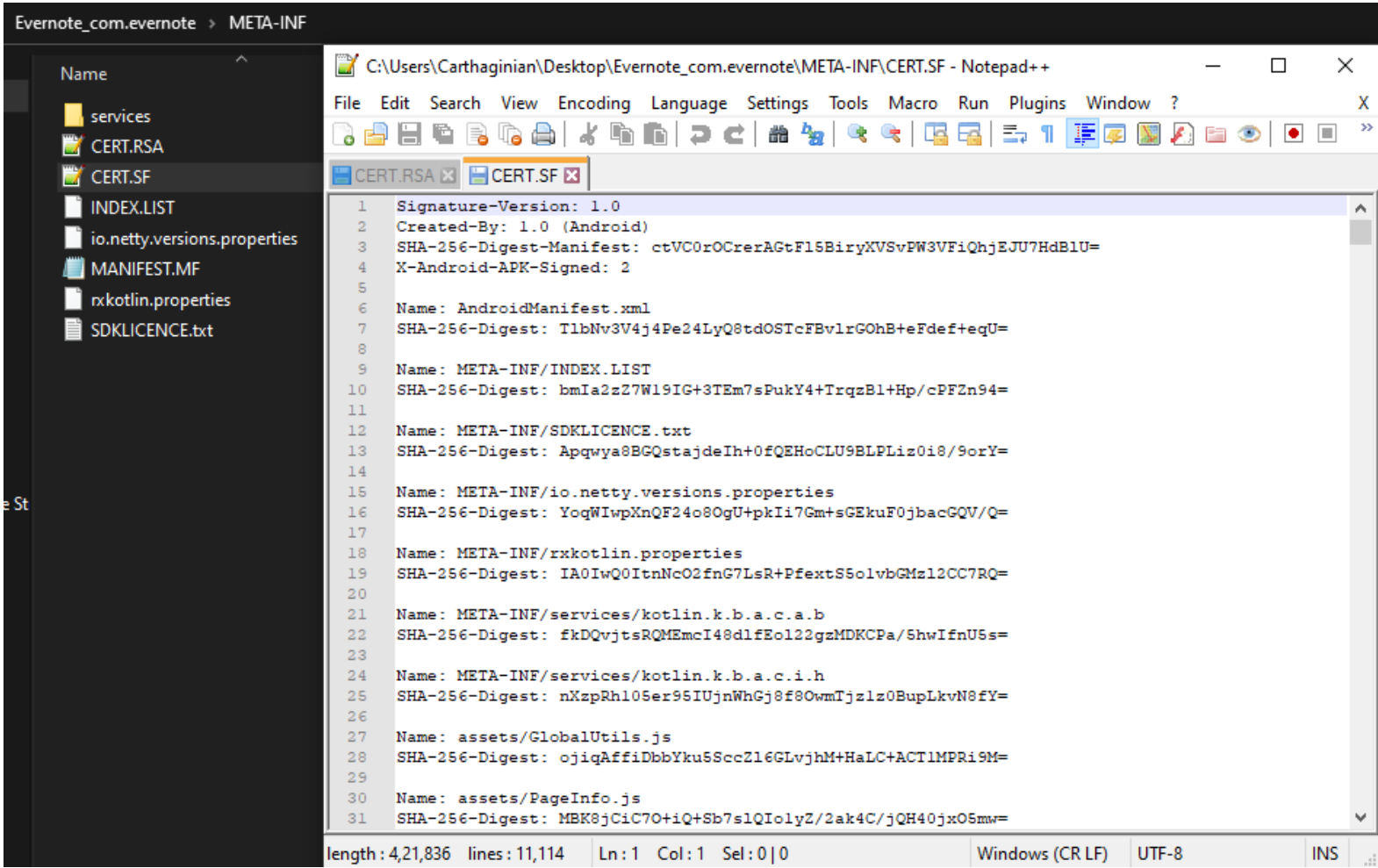
In general, if you follow common-sense precautions when generating, using, and storing your key, it will remain secure.

Source: <http://web.archive.org/web/20171107004101/https://developer.android.com/studio/publish/app-signing.html#sign-apk>, Last accessed on Mar 19, 2020

Evernote Corporation complies with Google’s instructions on code signing as shown by Evernote Corporation’s mobile app contents. Evernote Corporation’s mobile apps contain files such as the files CERT.SF and CERT.RSA in Evernote Corporation’s Android apps which are generated during the code signing process as per instructions from Google.



Source: Contents of Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) as an example of Evernote Corporation app



	<p>Source: Contents of Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) as an example of Evernote Corporation app</p> <p>Asymmetrical key cryptography and hashing algorithms are used to create the unique digital signature for Android mobile apps. The digital signature is used to sign the resources in an application package, including the compiled code. The private key of an asymmetric key pair that is generated for the digital code signing is used to code sign the app. This private key is included in the mobile app although the private key is not the claimed private key of the claimed generated asymmetric key pair because it does not match the claimed public key used to encrypt predetermined data, based on the court’s construction.</p> <p>Hashes are created for every resource in the application package with the help of a hash algorithm. The signature manifest also has its own hash to prevent unauthorized changes. The hashes are encrypted with a private key. After the encryption is complete, the digital signature for the app is created.</p> <p>By signing the app binary with a digital signature, Evernote Corporation’s mobile apps are tamper resistant enabling Google and the Android mobile devices to verify that the application is being distributed by trusted source (<i>i.e.</i> Evernote Corporation) and that the application has not been modified by a third party, which can be verified by the corresponding public key generated as part of the pair. Thus the app binary is made resistant to modification by digital signing.</p> <p>Accordingly Evernote Corporation’s Android mobile apps establish SSL/TLS communications with Evernote Corporation’s servers, which involve a SSL/TLS handshake procedure involving asymmetric key encryption. SSL/TLS ensures secure communication and renders the mobile app data further resistant to observation.</p>
2. The method of claim 1, wherein the program is on a remote system and further comprising sending the executable tamper resistant key module to the remote system.	<p>Evernote Corporation’s mobile software application products and services including by way of example, but not limited to the following apps (“mobile applications”, “mobile apps” or “Accused Products”) that are specifically developed, used, sold, offered for sale, marketed, licensed and distributed by Evernote Corporation to be downloaded onto Android mobile or tablet devices.</p> <ul style="list-style-type: none">• Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) <p>Evernote Corporation directly infringes and/or continues to knowingly induce Google to infringe this claim by intentionally developing, making, marketing, advertising, providing, sending, distributing and licensing its mobile applications software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof.</p>

	<p>Upon information and belief, the method step of sending the executable tamper resistant key module to the remote system is performed by Google and/or its agents – whose acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Alternatively, to the extent any portion of this method step is performed by Evernote Corporation, such acts are attributable to Google, who conditions participation in and the receipt of a benefit, namely, the distribution of Evernote Corporation’s mobile apps through its app store, upon compliance with certain mandatory procedures and guidelines dictated by Google in the building and upload of Evernote Corporation’s mobile apps, and Evernote Corporation induces infringement by Google in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Evernote Corporation’s mobile apps are sent or downloaded from Google servers and are executed on Android remote devices such as mobile phones and tablets. When a user accesses Google Play Store – and requests to download Evernote Corporation app, Google sends the executable tamper resistant key module from the Google servers to the remote device(s).</p> <p>Further, the step of “sending” Evernote Corporation mobile apps to the remote system occurs via TLS/SSL communications. Thus, the sending of Evernote Corporation mobile apps, to the extent required by the claims, also includes a private key and predetermined data encrypted by a public key, as explained in detail above.</p> <p>In particular, Evernote Corporation mobile apps sent to users’ remote devices are tamper resistant, resistant to observation and modification as follows:</p> <p>1. Resistant to Observation Because App is Downloaded in Compiled Form</p> <p>Evernote Corporation mobile apps are resistant to observation, at least in part, since Evernote Corporation compiles its mobile app source code before submitting the app to Google – and uploads the binary output of the compilation process rather than the source code itself – and hence a user can only download the compiled source code from Google rather than the source code itself¹⁹.</p> <p>See, Android Studio Users Guide, “Prepare for Release” stating “To release your application to users you need to create a release-ready package that users can install and run on their Android-powered devices. The release-ready package contains the same components as the debug APK file — compiled source code, resources, manifest file, and so on — and it is built using the same build tools. However, unlike the debug APK file, the</p>
--	--

¹⁹ See, e.g., <https://developer.android.com/studio/build/index.html>, Last accessed on Mar 19, 2020

	<p>release-ready APK file is signed with your own certificate and it is optimized with the zipalign tool.” https://developer.android.com/studio/publish/preparing.html, Last accessed on Mar 19, 2020</p> <p>2. Resistant to Observation Because Download from Google Is Over SSL/TLS</p> <p>Evernote Corporation’s mobile apps are made further resistant to observation, at least in part, because the mobile app is securely sent or downloaded by SSL/TLS from Google servers. Evernote Corporation app users establish SSL/TLS communications with Play Store (for example using the URL https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020 for Evernote Corporation organize team projects) when downloading Evernote Corporation’s apps, as evidenced by the “https” in the URL. Sending the mobile app code by SSL/TLS is necessary to keep the code from being observed in transit from Google to the user’s remote system.</p> <p>The secure download process starts with a TLS handshake procedure which uses asymmetric key encryption and necessitates generation of at least one asymmetric key pair. Specifically, user’s remote device negotiates with Google the cipher suite and the key exchange algorithm that will be used for the handshake:</p> <table><tr><th>Key Exchange Alg.</th><th>Certificate Key Type</th></tr><tr><td>RSA</td><td>RSA public key; the certificate MUST allow the</td></tr><tr><td>RSA_PSK</td><td>key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].</td></tr></table>	Key Exchange Alg.	Certificate Key Type	RSA	RSA public key; the certificate MUST allow the	RSA_PSK	key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].
Key Exchange Alg.	Certificate Key Type						
RSA	RSA public key; the certificate MUST allow the						
RSA_PSK	key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].						

	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	
	Each of these algorithms necessitates generating one or more asymmetric key pairs – that are in turn used to compute a shared master secret for encrypting the mobile app download.	
	For RSA and RSA_PSK , Google server generates an RSA public-private key pair.	
	For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA , Google server generates an RSA public-private key pair as well as a Diffie-Hellman public-private key pair ²⁰ . The user’s remote device also generates a second Diffie-Hellman public-private key pair.	

²⁰ ECDH and ECDHE algorithms require generating at the server and the client, elliptical curve parameters that constitute a Diffie-Hellman public-private key pair. See, for example, <https://tools.ietf.org/html/rfc5246> page 49-52, <https://tools.ietf.org/html/rfc7525> page 12, <http://www.cse.hut.fi/fi/opinnot/T-110.5241/2011/luennot-files/Network%20Security%2004%20-%20TLS.pdf>,

	<p>For DHE_DSS and DH_DSS, Google server generates a DSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user's remote device also generates a second Diffie-Hellman public-private key pair.</p> <p>For ECDH_ECDSA and ECDHE_ECDSA, Google server generates an ECDSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user's remote device also generates a second Diffie-Hellman public-private key pair.</p>
--	--

<http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/140sp/140sp2897.pdf>, <http://www.networkworld.com/article/2268575/lan-wan/chapter-2--ssl-vpn-technology.html>, <http://homes.esat.kuleuven.be/~fvercaut/papers/ACM2012.pdf>, Implementing SSL / TLS Using Cryptography and PKI by Joshua Davies, ISBN 1118038770, 9781118038772, [Page 305](#) and Introduction to Computer Networks and Cybersecurity By Chwan-Hwa (John) Wu, J. David Irwin, ISBN 1466572140, 9781466572140, [Page 1021](#), which state that ECDH requires generating a Diffie-Hellman public-private key pair, Last accessed on Mar 19, 2020

	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	

7.4.3. Server Key Exchange Message

When this message will be sent:

This message will be sent immediately after the server Certificate message (or the ServerHello message, if this is an anonymous negotiation).

The ServerKeyExchange message is sent by the server only when the server Certificate message (if sent) does not contain enough data to allow the client to exchange a premaster secret. This is true for the following key exchange methods:

- DHE_DSS
- DHE_RSA
- DH_anon

It is not legal to send the ServerKeyExchange message for the following key exchange methods:

- RSA
- DH_DSS
- DH_RSA

This message conveys cryptographic information to allow the client to communicate the premaster secret: a Diffie-Hellman public key with which the client can complete a key exchange (with the result being the premaster secret) or a public key for some other algorithm.

Source: <https://tools.ietf.org/html/rfc5246> at 50-51, Last accessed on Mar 19, 2020

F.1.1.2. RSA Key Exchange and Authentication

With RSA, key exchange and server authentication are combined. The public key is contained in the server's certificate. Note that compromise of the server's static RSA key results in a loss of confidentiality for all sessions protected under that static key. TLS users desiring Perfect Forward Secrecy should use DHE cipher suites. The damage done by exposure of a private key can be limited by changing one's private key (and certificate) frequently.

After verifying the server's certificate, the client encrypts a `pre_master_secret` with the server's public key. By successfully decoding the `pre_master_secret` and producing a correct Finished message, the server demonstrates that it knows the private key corresponding to the server certificate.

When RSA is used for key exchange, clients are authenticated using the certificate verify message (see [Section 7.4.8](#)). The client signs a value derived from all preceding handshake messages. These handshake messages include the server certificate, which binds the signature to the server, and `ServerHello.random`, which binds the signature to the current handshake process.

F.1.1.3. Diffie-Hellman Key Exchange with Authentication

When Diffie-Hellman key exchange is used, the server can either supply a certificate containing fixed Diffie-Hellman parameters or use the server key exchange message to send a set of temporary Diffie-Hellman parameters signed with a DSA or RSA certificate. Temporary parameters are hashed with the `hello.random` values before signing to ensure that attackers do not replay old parameters. In either case, the client can verify the certificate or signature to ensure that the parameters belong to the server.

If the client has a certificate containing fixed Diffie-Hellman parameters, its certificate contains the information required to complete the key exchange. Note that in this case the client and server will generate the same Diffie-Hellman result (i.e.,

pre_master_secret) every time they communicate. To prevent the pre_master_secret from staying in memory any longer than necessary, it should be converted into the master_secret as soon as possible. Client Diffie-Hellman parameters must be compatible with those supplied by the server for the key exchange to work.

If the client has a standard DSA or RSA certificate or is unauthenticated, it sends a set of temporary parameters to the server in the client key exchange message, then optionally uses a certificate verify message to authenticate itself.

If the same DH keypair is to be used for multiple handshakes, either because the client or server has a certificate containing a fixed DH keypair or because the server is reusing DH keys, care must be taken to prevent small subgroup attacks. Implementations SHOULD follow the guidelines found in [SUBGROUP].

Small subgroup attacks are most easily avoided by using one of the DHE cipher suites and generating a fresh DH private key (X) for each handshake. If a suitable base (such as 2) is chosen, $g^X \bmod p$ can be computed very quickly; therefore, the performance cost is minimized. Additionally, using a fresh key for each handshake provides Perfect Forward Secrecy. Implementations SHOULD generate a new X for each handshake when using DHE cipher suites.

Because TLS allows the server to provide arbitrary DH groups, the client should verify that the DH group is of suitable size as defined by local policy. The client SHOULD also verify that the DH public exponent appears to be of adequate size. [KEYSIZ] provides a useful guide to the strength of various group sizes. The server MAY choose to assist the client by providing a known group, such as those defined in [IKEALG] or [MODP]. These can be verified by simple comparison.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

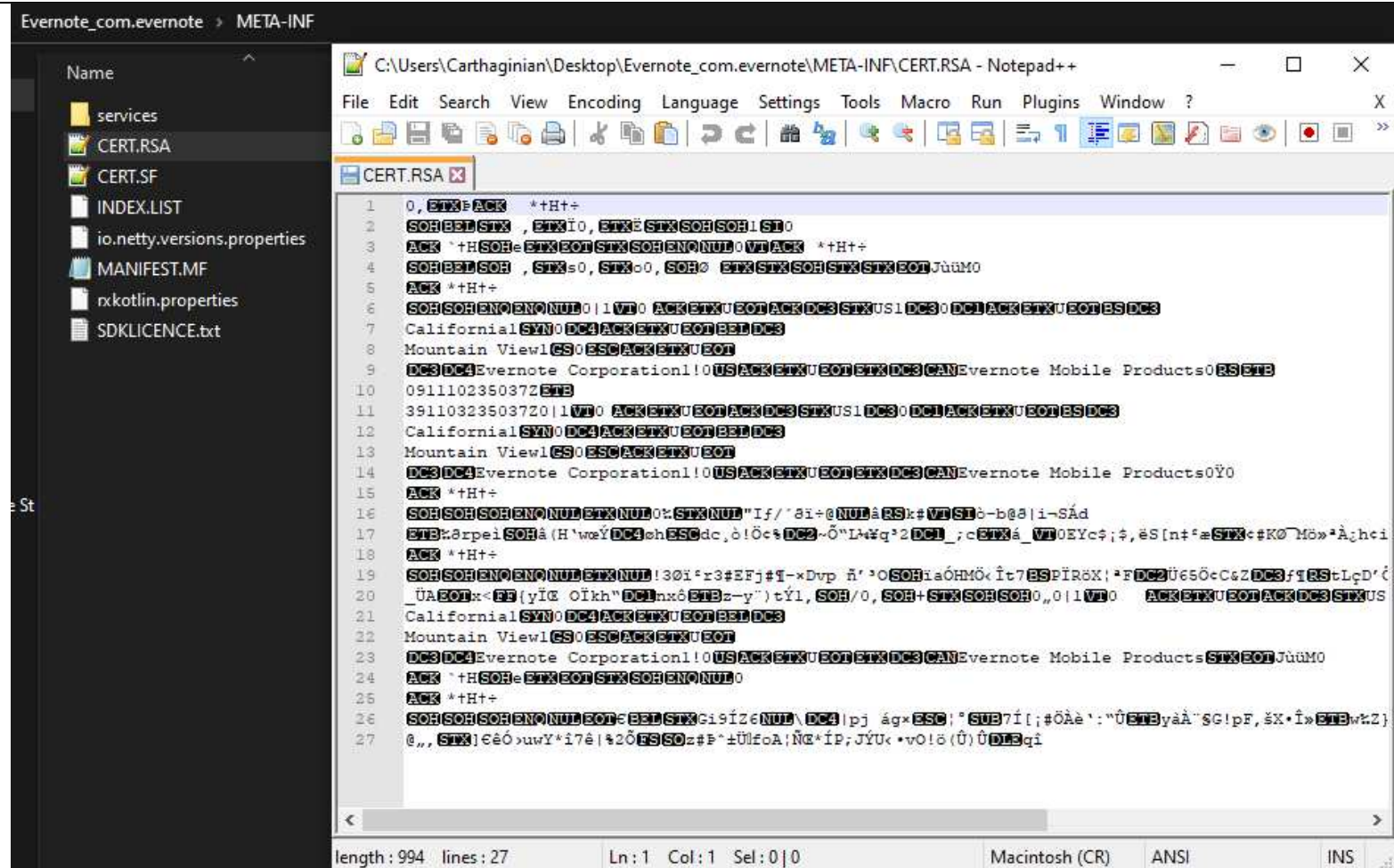
The generated asymmetric key pairs are then used to compute a shared master secret which is then used to encrypt the mobile app download so that it is resistant to observation during transit.

	<p>For RSA and RSA_PSK, the RSA public-private key pair is used to encrypt a random premaster secret which is in turn used by Google server and the user's remote device to compute a master secret. Google uses the master secret to encrypt the mobile app and the user's remote device uses to decrypt the downloaded mobile app according to the TLS protocol.</p> <p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA, Google server generates an RSA public-private key pair as well as a Diffie-Hellman public-private key pair²¹. The user's remote device also generates a second Diffie-Hellman public-private key pair. Google server uses its Diffie-Hellman private key and the user's Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user's remote device uses the user's Diffie-Hellman private key and Google's Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret that Google uses to encrypt the mobile app and the user's remote device uses to decrypt the downloaded mobile app according to the TLS protocol.</p> <p>For DHE_DSS and DH_DSS, Google server generates a DSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user's remote device also generates a second Diffie-Hellman public-private key pair. Google server uses its Diffie-Hellman private key and the user's Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user's remote device uses the user's Diffie-Hellman private key and Google's Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret that Google uses to encrypt the mobile app and the user's remote device uses to decrypt the downloaded mobile app according to the TLS protocol.</p> <p>For ECDH_ECDSA and ECDHE_ECDSA, Google server generates an ECDSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user's remote device also generates a second Diffie-Hellman public-private key pair. Google server uses its Diffie-Hellman private key and the user's Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user's remote device uses the user's Diffie-Hellman private key and Google's Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret that Google uses to encrypt the mobile app and the user's remote device uses to decrypt the downloaded mobile app according to the TLS protocol.</p> <p>3. Resistant to Modification Because Mobile App is Code Signed</p> <p>The downloaded mobile app code is resistant to modification, at least in part, because the downloaded app binary is code signed. Code-signing allows users' remote systems to verify that the downloaded app binary is authentic and has not been maliciously modified by a third party. Google</p>
--	---

²¹ ECDH and ECDHE algorithms require generating at the server and the client, elliptical curve parameters that constitute a Diffie-Hellman public-private key pair. See, for example, <https://tools.ietf.org/html/rfc5246> page 49-52, <https://tools.ietf.org/html/rfc7525> page 12, <http://www.cse.hut.fi/fi/opinnot/T-110.5241/2011/luennot-files/Network%20Security%2004%20-%20TLS.pdf>, <http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/140sp/140sp2897.pdf>, <http://www.networkworld.com/article/2268575/lan-wan/chapter-2--ssl-vpn-technology.html>, <http://homes.esat.kuleuven.be/~fvercaut/papers/ACM2012.pdf>, Implementing SSL / TLS Using Cryptography and PKI by Joshua Davies, ISBN 1118038770, 9781118038772, [Page 305](#) and Introduction to Computer Networks and Cybersecurity By Chwan-Hwa (John) Wu, J. David Irwin, ISBN 1466572140, 9781466572140, [Page 1021](#), which state that ECDH requires generating a Diffie-Hellman public-private key pair, Last accessed on Mar 19, 2020

	<p>dictates that each developer must sign the mobile app submission with his/her asymmetric developer key that certifies that the app has not been modified by a third party impersonator²².</p> <p><i>Android requires that the user generates an asymmetric key all apps be digitally signed with a certificate before they can be installed. Android uses this certificate to identify the author of an app</i></p> <p>Source: https://developer.android.com/studio/publish/app-signing.html, Last accessed on Mar 19, 2020</p> <p><i>A public-key certificate, also known as a digital certificate or an identity certificate, contains the public key of a public/private key pair, as well as some other metadata identifying the owner of the key (for example, name and location). The owner of the certificate holds the corresponding private key.</i></p> <p><i>When you sign an APK, the signing tool attaches the public-key certificate to the APK. The public-key certificate serves as as a "fingerprint" that uniquely associates the APK to you and your corresponding private key. This helps Android ensure that any future updates to your APK are authentic and come from the original author.</i></p> <p><i>A keystore is a binary file that contains one or more private keys. When you sign an APK for release using Android Studio, you can choose to generate a new keystore and private key or use a keystore and private key you already have.</i></p> <p>Source: https://developer.android.com/studio/publish/app-signing.html, Last accessed on Mar 19, 2020</p> <p>Evernote Corporation complies with Google’s instructions on code signing as shown by Evernote Corporation’s mobile app contents. Evernote Corporation’s mobile apps contain files such as the files CERT.SF and CERT.RSA in Evernote Corporation’s Android mobile apps which are generated during the code signing process as per instructions from Google.</p>
--	---

²² See, e.g., <https://developer.android.com/tools/publishing/app-signing.html>, Last accessed on Mar 19, 2020



Source: Contents of Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) as an example of Evernote Corporation app

Evernote_com.evernote > META-INF

Name

services

CERT.RSA

CERT.SF

INDEX.LIST

io.netty.versions.properties

MANIFEST.MF

rxkotlin.properties

SDKLICENCE.txt

C:\Users\Carthaginian\Desktop\Evernote_com.evernote\META-INF\CERT.SF - Notepad++

File Edit Search View Encoding Language Settings Tools Macro Run Plugins Window ?

CERT.RSA CERT.SF

1 Signature-Version: 1.0

2 Created-By: 1.0 (Android)

3 SHA-256-Digest-Manifest: ctVC0rOCrerAGtF15BiryXVSvPW3VFiQhjEJU7HdB1U=

4 X-Android-APK-Signed: 2

5

6 Name: AndroidManifest.xml

7 SHA-256-Digest: T1bNv3V4j4Pe24LyQ8tdOSTcFBv1rGOhB+eFdef+eqU=

8

9 Name: META-INF/INDEX.LIST

10 SHA-256-Digest: bmIa2zZ7W19IG+3TEm7sPukY4+TrqzB1+Hp/cPFZn94=

11

12 Name: META-INF/SDKLICENCE.txt

13 SHA-256-Digest: Apqwya8BGQstajdeIh+0fQEHoCLU9BLPLiz0i8/9orY=

14

15 Name: META-INF/io.netty.versions.properties

16 SHA-256-Digest: YeqWIwpXnQF24o8OgU+pkIi7Gm+sGEkuF0jbacGQV/Q=

17

18 Name: META-INF/rxkotlin.properties

19 SHA-256-Digest: IA0IwQ0ItNnc02fnG7LsR+PfextS5o1vbGMz12CC7RQ=

20

21 Name: META-INF/services/kotlin.k.b.a.c.a.b

22 SHA-256-Digest: fkDQvjtsRQMEmcI48dlfEol22gzMDKCPa/5hwIfnU5s=

23

24 Name: META-INF/services/kotlin.k.b.a.c.i.h

25 SHA-256-Digest: nXzpRh105er95IUjnWhGj8f8OvmTjz1z0BupLkvN8fY=

26

27 Name: assets/GlobalUtils.js

28 SHA-256-Digest: ojiqAffiDbbYku5Scc216GLvjhM+HaLC+ACT1MPRI9M=

29

30 Name: assets/PageInfo.js

31 SHA-256-Digest: MBK8jCiC70+iQ+Sb7s1QIolyZ/2ak4C/jQH40jxO5mw=

length: 4,21,836 lines: 11,114 Ln: 1 Col: 1 Sel: 0|0 Windows (CR LF) UTF-8 INS

Source: Contents of Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) as an example of Evernote Corporation app

By signing the app binary with a digital signature, Evernote Corporation’s mobile apps are tamper resistant enabling Google and the Android mobile devices to verify that the application is being distributed by trusted source (*i.e.* Evernote Corporation) and that the application has not been modified

	<p>by a third party, which can be verified by the corresponding public key generated as part of the pair. Thus the app binary is made resistant to modification by digital signing.</p> <p>Accordingly Evernote Corporation’s Android mobile apps establish SSL/TLS communications with Evernote Corporation’s servers, which involve a SSL/TLS handshake procedure involving asymmetric key encryption. SSL/TLS ensures secure communication and renders the mobile app data further resistant to observation.</p> <p>4. Resistant to Observation Because Mobile App is Stored on Remote System in Encrypted Form</p> <p>The mobile app is made further resistant to observation because when downloaded and installed on a user’s Android mobile device, it is stored in an encrypted form. Android implements disk encryption for encrypting the operating system software, apps and all related data on a mobile device – which further renders Evernote Corporation app resistant to observation²³.</p> <p>5. Resistant to Observation Because Mobile App Securely Communicates with Evernote Corporation Over SSL/TLS</p> <p>Evernote Corporation’s mobile apps are made further resistant to observation, at least in part, because the mobile app communicates with Evernote Corporation using SSL/TLS during operation. Evernote Corporation app users establish SSL/TLS communications with Evernote Corporation servers when the app is executed. Such secure communication is necessary to keep source code as well as user identity and activity from being observed in transit from the remote system to Evernote Corporation servers and vice versa.</p> <p>The secure communications process starts with a TLS handshake procedure which uses asymmetric key encryption and necessitates generation of at least one asymmetric key pair. Specifically, user’s remote device negotiates with Evernote Corporation servers the cipher suite and the key exchange algorithm that will be used for the handshake.</p>
--	--

²³ See, e.g., <https://source.android.com/security/encryption/>, Last accessed on Mar 19, 2020

Key Exchange Alg.	Certificate Key Type
RSA RSA_PSK	RSA public key; the certificate MUST allow the key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].
DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	
Each of these algorithms necessitates generating one or more asymmetric key pairs – that are in turn used to compute a shared master secret for encrypting communication between Evernote Corporation and user’s remote device.	
For RSA and RSA_PSK , Evernote Corporation server generates an RSA public-private key pair.	

	<p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA, Evernote Corporation server generates an RSA public-private key pair as well as a Diffie-Hellman public-private key pair²⁴. The user’s remote device also generates a second Diffie-Hellman public-private key pair.</p> <p>For DHE_DSS and DH_DSS, Evernote Corporation server generates a DSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair.</p> <p>For ECDH_ECDSA and ECDHE_ECDSA, Evernote Corporation server generates an ECDSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair.</p>
--	---

²⁴ ECDH and ECDHE algorithms require generating at the server and the client, elliptical curve parameters that constitute a Diffie-Hellman public-private key pair. See, for example, <https://tools.ietf.org/html/rfc5246> page 49-52, <https://tools.ietf.org/html/rfc7525> page 12, <http://www.cse.hut.fi/fi/opinnot/T-110.5241/2011/luennot-files/Network%20Security%2004%20-%20TLS.pdf>, <http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/140sp/140sp2897.pdf>, <http://www.networkworld.com/article/2268575/lan-wan/chapter-2--ssl-vpn-technology.html>, <http://homes.esat.kuleuven.be/~fvercaut/papers/ACM2012.pdf>, Implementing SSL / TLS Using Cryptography and PKI by Joshua Davies, ISBN 1118038770, 9781118038772, [Page 305](#) and Introduction to Computer Networks and Cybersecurity By Chwan-Hwa (John) Wu, J. David Irwin, ISBN 1466572140, 9781466572140, [Page 1021](#), which state that ECDH requires generating a Diffie-Hellman public-private key pair, Last accessed on Mar 19, 2020

	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	

7.4.3. Server Key Exchange Message

When this message will be sent:

This message will be sent immediately after the server Certificate message (or the ServerHello message, if this is an anonymous negotiation).

The ServerKeyExchange message is sent by the server only when the server Certificate message (if sent) does not contain enough data to allow the client to exchange a premaster secret. This is true for the following key exchange methods:

- DHE_DSS
- DHE_RSA
- DH_anon

It is not legal to send the ServerKeyExchange message for the following key exchange methods:

- RSA
- DH_DSS
- DH_RSA

This message conveys cryptographic information to allow the client to communicate the premaster secret: a Diffie-Hellman public key with which the client can complete a key exchange (with the result being the premaster secret) or a public key for some other algorithm.

Source: <https://tools.ietf.org/html/rfc5246> at 50-51, Last accessed on Mar 19, 2020

F.1.1.2. RSA Key Exchange and Authentication

With RSA, key exchange and server authentication are combined. The public key is contained in the server's certificate. Note that compromise of the server's static RSA key results in a loss of confidentiality for all sessions protected under that static key. TLS users desiring Perfect Forward Secrecy should use DHE cipher suites. The damage done by exposure of a private key can be limited by changing one's private key (and certificate) frequently.

After verifying the server's certificate, the client encrypts a `pre_master_secret` with the server's public key. By successfully decoding the `pre_master_secret` and producing a correct Finished message, the server demonstrates that it knows the private key corresponding to the server certificate.

When RSA is used for key exchange, clients are authenticated using the certificate verify message (see [Section 7.4.8](#)). The client signs a value derived from all preceding handshake messages. These handshake messages include the server certificate, which binds the signature to the server, and `ServerHello.random`, which binds the signature to the current handshake process.

F.1.1.3. Diffie-Hellman Key Exchange with Authentication

When Diffie-Hellman key exchange is used, the server can either supply a certificate containing fixed Diffie-Hellman parameters or use the server key exchange message to send a set of temporary Diffie-Hellman parameters signed with a DSA or RSA certificate. Temporary parameters are hashed with the `hello.random` values before signing to ensure that attackers do not replay old parameters. In either case, the client can verify the certificate or signature to ensure that the parameters belong to the server.

If the client has a certificate containing fixed Diffie-Hellman parameters, its certificate contains the information required to complete the key exchange. Note that in this case the client and server will generate the same Diffie-Hellman result (i.e.,

pre_master_secret) every time they communicate. To prevent the pre_master_secret from staying in memory any longer than necessary, it should be converted into the master_secret as soon as possible. Client Diffie-Hellman parameters must be compatible with those supplied by the server for the key exchange to work.

If the client has a standard DSA or RSA certificate or is unauthenticated, it sends a set of temporary parameters to the server in the client key exchange message, then optionally uses a certificate verify message to authenticate itself.

If the same DH keypair is to be used for multiple handshakes, either because the client or server has a certificate containing a fixed DH keypair or because the server is reusing DH keys, care must be taken to prevent small subgroup attacks. Implementations SHOULD follow the guidelines found in [SUBGROUP].

Small subgroup attacks are most easily avoided by using one of the DHE cipher suites and generating a fresh DH private key (X) for each handshake. If a suitable base (such as 2) is chosen, $g^X \bmod p$ can be computed very quickly; therefore, the performance cost is minimized. Additionally, using a fresh key for each handshake provides Perfect Forward Secrecy. Implementations SHOULD generate a new X for each handshake when using DHE cipher suites.

Because TLS allows the server to provide arbitrary DH groups, the client should verify that the DH group is of suitable size as defined by local policy. The client SHOULD also verify that the DH public exponent appears to be of adequate size. [KEYSIZ] provides a useful guide to the strength of various group sizes. The server MAY choose to assist the client by providing a known group, such as those defined in [IKEALG] or [MODP]. These can be verified by simple comparison.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

The generated asymmetric key pairs are then used to compute a shared master secret which is then used to encrypt subsequent communications between Evernote Corporation and the user's remote device so that they are resistant to observation during transit.

	<p>For RSA and RSA_PSK, the RSA public-private key pair is used to encrypt a random premaster secret which is in turn used by Evernote Corporation server and the user’s remote device to compute a master secret. Evernote Corporation and the user’s remote device use the master secret for encrypting and decrypting communication messages.</p> <p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA, Evernote Corporation server generates an RSA public-private key pair as well as a Diffie-Hellman public-private key pair²⁵. The user’s remote device also generates a second Diffie-Hellman public-private key pair. Evernote Corporation server uses its Diffie-Hellman private key and the user’s Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user’s remote device uses the user’s Diffie-Hellman private key and Google’s Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret for encrypting and decrypting communication messages.</p> <p>For DHE_DSS and DH_DSS, Evernote Corporation server generates a DSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair. Evernote Corporation server uses its Diffie-Hellman private key and the user’s Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user’s remote device uses the user’s Diffie-Hellman private key and Google’s Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret for encrypting and decrypting communication messages.</p> <p>For ECDH_ECDSA and ECDHE_ECDSA, Evernote Corporation server generates an ECDSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair. Evernote Corporation server uses its Diffie-Hellman private key and the user’s Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user’s remote device uses the user’s Diffie-Hellman private key and Google’s Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret for encrypting and decrypting communication messages.</p>
9. The method of claim 1, wherein building the executable tamper resistant code module comprises generating an integrity verification kernel.	Evernote Corporation’s mobile software application products and services including by way of example, but not limited to the following apps (“mobile applications”, “mobile apps” or “Accused Products”) that are specifically developed, used, sold, offered for sale, marketed, licensed and distributed by Evernote Corporation to be downloaded onto Android mobile or tablet devices.

²⁵ ECDH and ECDHE algorithms require generating at the server and the client, elliptical curve parameters that constitute a Diffie-Hellman public-private key pair. See, for example, <https://tools.ietf.org/html/rfc5246> page 49-52, <https://tools.ietf.org/html/rfc7525> page 12, <http://www.cse.hut.fi/fi/opinnot/T-110.5241/2011/luennot-files/Network%20Security%2004%20-%20TLS.pdf>, <http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/140sp/140sp2897.pdf>, <http://www.networkworld.com/article/2268575/lan-wan/chapter-2--ssl-vpn-technology.html>, <http://homes.esat.kuleuven.be/~fvercaut/papers/ACM2012.pdf>, Implementing SSL / TLS Using Cryptography and PKI by Joshua Davies, ISBN 1118038770, 9781118038772, [Page 305](#) and Introduction to Computer Networks and Cybersecurity By Chwan-Hwa (John) Wu, J. David Irwin, ISBN 1466572140, 9781466572140, [Page 1021](#), which state that ECDH requires generating a Diffie-Hellman public-private key pair, Last accessed on Mar 19, 2020

	<ul style="list-style-type: none">• Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) <p>Evernote Corporation directly infringes and/or continues to knowingly induce Google to infringe this claim by intentionally developing, making, marketing, advertising, providing, sending, distributing and licensing its mobile applications software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof.</p> <p>Upon information and belief, the method step of generating an integrity verification kernel is performed by Google and/or its agents – whose acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Alternatively, to the extent any portion of this method step is performed by Evernote Corporation, such acts are attributable to Google, who conditions participation in and the receipt of a benefit, namely, the distribution of Evernote Corporation’s mobile apps through its app store, upon compliance with certain mandatory procedures and guidelines dictated by Google in the building and upload of Evernote Corporation’s mobile apps, and Evernote Corporation induces infringement by Google in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>The Court construed “integrity verification kernel” to mean “software that verifies that a program image corresponds to a supplied digital signature and that is resistant to observation and modification.”</p> <p>When a mobile app is deployed on device, a hash algorithm is used to compute hashes for the resources. The public key is used to decrypt the hashes in the hash manifest. Then, the hashes from the hash manifest are compared with the previous hash computations. If the hashes do not match, the digital signature is invalid and the application does not launch. Thus, the private key described above is used to digitally sign the program image for the app, and this digital signature is supplied so that the mobile app can be verified prior to launch of the mobile application²⁶.</p> <p>The code for Android used to validate the digitally signed mobile app code is itself resistant to observation and modification.</p> <p>Further, Android implements disk encryption for encrypting the operating system software, applications and all related data on a mobile device – which renders the code for validating the digitally signed mobile app binary further resistant to observation²⁷.</p>
--	--

²⁶ See, e.g., <https://developer.android.com/studio/publish/app-signing.html>, Last accessed on Mar 19, 2020

²⁷ See, e.g., <https://source.android.com/security/encryption/>, Last accessed on Mar 19, 2020

	Further Android implements a secure boot functionality that verifies the operating system, including code for validating digitally signed mobile apps, when the mobile device is powered on. If this verification fails, <i>i.e.</i> if the operating system has been maliciously modified, the operating system does not launch ²⁸ . Thus, the software that verifies that a program image corresponds to a supplied digital signature is both resistant to observation and modification.
--	---

²⁸ See, e.g., <https://source.android.com/security/verifiedboot/> and <http://www.zdnet.com/article/google-now-requires-full-device-encryption-on-new-android-6-0-devices/>, Last accessed on Mar 19, 2020

Encryption

Encryption is the process of encoding all user data on an Android device using symmetric encryption keys. Once a device is encrypted, all user-created data is automatically encrypted before committing it to disk and all reads automatically decrypt data before returning it to the calling process. Encryption ensures that even if an unauthorized party tries to access the data, they won't be able to read it.

Android has two methods for device encryption: full-disk encryption and file-based encryption.

Full-disk encryption

Android 5.0 and above supports [full-disk encryption](#). Full-disk encryption uses a single key—protected with the user's device password—to protect the whole of a device's userdata partition. Upon boot, the user must provide their credentials before any part of the disk is accessible.

While this is great for security, it means that most of the core functionality of the phone is not immediately available when users reboot their device. Because access to their data is protected behind their single user credential, features like alarms could not operate, accessibility services were unavailable, and phones could not receive calls.

File-based encryption

Android 7.0 and above supports [file-based encryption](#). File-based encryption allows different files to be encrypted with different keys that can be unlocked independently. Devices that support file-based encryption can also support a new feature called [Direct Boot](#) that allows encrypted devices to boot straight to the lock screen, thus enabling quick access to important device features like accessibility services and alarms.

With the introduction of file-based encryption and new APIs to make applications aware of encryption, it is possible for these apps to operate within a limited context. This can happen before users have provided their credentials while still protecting private user information.

Source: <http://web.archive.org/web/20171208043438/https://source.android.com/security/encryption/>, Last accessed on Mar 19, 2020

How Android full-disk encryption works

Android full-disk encryption is based on `dm-crypt`, which is a kernel feature that works at the block device layer. Because of this, encryption works with Embedded MultiMediaCard (eMMC) and similar flash devices that present themselves to the kernel as block devices. Encryption is not possible with YAFFS, which talks directly to a raw NAND flash chip.

The encryption algorithm is 128 Advanced Encryption Standard (AES) with cipher-block chaining (CBC) and ESSIV:SHA256. The master key is encrypted with 128-bit AES via calls to the OpenSSL library. You must use 128 bits or more for the key (with 256 being optional).

★ **Note:** OEMs can use 128-bit or higher to encrypt the master key.

In the Android 5.0 release, there are four kinds of encryption states:

- default
- PIN
- password
- pattern

Upon first boot, the device creates a randomly generated 128-bit master key and then hashes it with a default password and stored salt. The default password is: "default_password" However, the resultant hash is also signed through a TEE (such as TrustZone), which uses a hash of the signature to encrypt the master key.

You can find the default password defined in the Android Open Source Project `cryptfs.c` file.

When the user sets the PIN/pass or password on the device, only the 128-bit key is re-encrypted and stored. (ie. user PIN/pass/pattern changes do NOT cause re-encryption of userdata.) Note that `managed device` may be subject to PIN, pattern, or password restrictions.

Source: <http://web.archive.org/web/20170912153704/https://source.android.com/security/encryption/full-disk>, Last accessed on Mar 19, 2020

Further Android implements a secure boot functionality that verifies the operating system, including code for validating digitally signed mobile apps, when the mobile device is powered on. If this verification fails, i.e. if the operating system has been maliciously modified, the operating system does not launch.

Verified Boot

Android 4.4 and later supports verified boot through the optional device-mapper-verity (dm-verity) kernel feature, which provides transparent integrity checking of block devices. dm-verity helps prevent persistent rootkits that can hold onto root privileges and compromise devices. This feature helps Android users be sure when booting a device it is in the same state as when it was last used.

Clever malware with root privileges can hide from detection programs and otherwise mask themselves. The rooting software can do this because it is often more privileged than the detectors, enabling the software to "lie" to the detection programs.

The dm-verity feature lets you look at a block device, the underlying storage layer of the file system, and determine if it matches its expected configuration. It does this using a cryptographic hash tree. For every block (typically 4k), there is a SHA256 hash.

Because the hash values are stored in a tree of pages, only the top-level "root" hash must be trusted to verify the rest of the tree. The ability to modify any of the blocks would be equivalent to breaking the cryptographic hash. See the following diagram for a depiction of this structure.

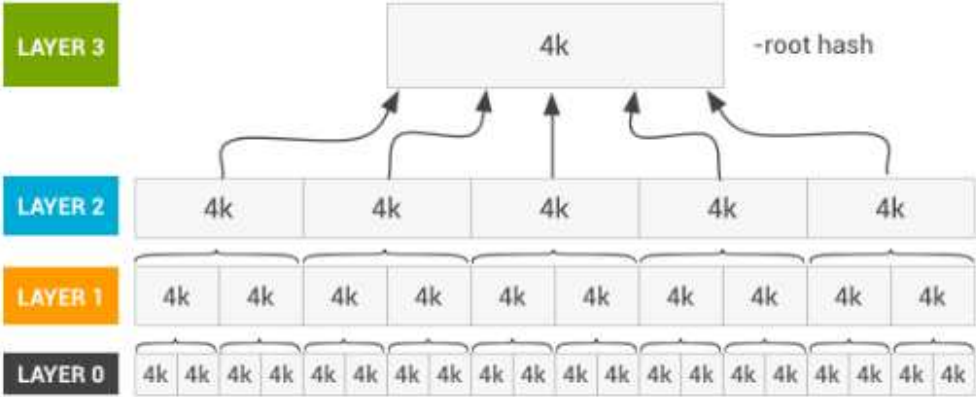


Figure 1. dm-verity hash table

A public key is included on the boot partition, which must be verified externally by the OEM. That key is used to verify the signature for that hash and confirm the device's system partition is protected and unchanged.

Source: <http://web.archive.org/web/20171201215912/https://source.android.com/security/verifiedboot/>²⁹, Last accessed on Mar 19, 2020

This verified boot became mandatory for Android 6.0 or later:
<https://source.android.com/compatibility/6.0/android-6.0-cdd>, Last accessed on Mar 19, 2020

10. The method of claim 9, wherein generating an integrity verification kernel comprises accessing an asymmetric public key of a

Evernote Corporation's mobile software application products and services including by way of example, but not limited to the following apps ("mobile applications", "mobile apps" or "Accused Products") that are specifically developed, used, sold, offered for sale, marketed, licensed and distributed by Evernote Corporation to be downloaded onto Android mobile or tablet devices.

²⁹ See also <http://www.tomshardware.com/news/marshmallow-encryption-fingerprints-verified-boot,30369.html>, Last accessed on Mar 19, 2020

<http://www.zdnet.com/article/google-now-requires-full-device-encryption-on-new-android-6-0-devices/>, Last accessed on Mar 19, 2020

<http://www.androidauthority.com/new-google-oem-marshmallow-requirements-650266/>, Last accessed on Mar 19, 2020

https://www.linuxsecrets.com/elinux-wiki/images/b/b2/Android_Verified_Boot.pdf, Last accessed on Mar 19, 2020

<p>predetermined asymmetric key pair associated with a manifest of the program signed by an asymmetric private key of the predetermined asymmetric key pair, producing integrity verification kernel code with the asymmetric public key for verifying the signed manifest of the program and combining manifest parser generator code and the integrity verification kernel code to produce the integrity verification kernel.</p>	<ul style="list-style-type: none">• Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) <p>Evernote Corporation directly infringes and/or continues to knowingly induce Google to infringe this claim by intentionally developing, making, marketing, advertising, providing, sending, distributing and licensing its mobile applications software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof.</p> <p>Upon information and belief, the method step of accessing an asymmetric public key of a predetermined asymmetric key pair associated with a manifest of the program signed by an asymmetric private key of the predetermined asymmetric key pair, producing integrity verification kernel code with the asymmetric public key for verifying the signed manifest of the program and combining manifest parser generator code and the integrity verification kernel code to produce the integrity verification kernel is performed by Google and/or its agents – whose acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Alternatively, to the extent any portion of this method step is performed by Evernote Corporation, such acts are attributable to Google, who conditions participation in and the receipt of a benefit, namely, the distribution of Evernote Corporation’s mobile apps through its app store, upon compliance with certain mandatory procedures and guidelines dictated by Google in the building and upload of Evernote Corporation’s mobile apps, and Evernote Corporation induces infringement by Google in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>The Court previously construed³⁰ “integrity verification kernel” to mean “software that verifies that a program image corresponds to a supplied digital signature and that is resistant to observation and modification” and “manifest” to mean “static source code that includes the integrity verification kernel’s entry code, generator code, accumulator code, and other code for tamper detection.”</p> <p>Android implements a secure boot functionality that verifies the operating system, including code for validating digitally signed mobile apps, when the mobile device is powered on. If this verification fails, i.e. if the operating system has been maliciously modified, the operating system, along with the mobile apps installed on the device, does not launch. Thus every time the device is restarted an integrity verification kernel is generated by accessing an asymmetric public key of a predetermined asymmetric key pair associated with a manifest of the operating system signed with the corresponding asymmetric private key by Google. This integrity verification kernel is implemented in code which is produced by combining code that parses a manifest associated with the operating system and code that verifies that the operating system on the device matches with the manifest and has not been maliciously modified.</p>
---	--

³⁰ See Memorandum Opinion and Order, Document 104 signed by Judge Rodney Gilstrap on 7/21/2016 in re Plano Encryption Technologies, LLC v. American Bank of Texas (2:15-cv-01273).

Further, the software that performs the above verification is stored in a compiled and encrypted form and is hence resistant to observation. Additionally, the software is digitally signed by Google with their asymmetric private key and is thus resistant to modification.

Verified Boot

Android 4.4 and later supports verified boot through the optional device-mapper-verity (dm-verity) kernel feature, which provides transparent integrity checking of block devices. dm-verity helps prevent persistent rootkits that can hold onto root privileges and compromise devices. This feature helps Android users be sure when booting a device it is in the same state as when it was last used.

Clever malware with root privileges can hide from detection programs and otherwise mask themselves. The rooting software can do this because it is often more privileged than the detectors, enabling the software to "lie" to the detection programs.

The dm-verity feature lets you look at a block device, the underlying storage layer of the file system, and determine if it matches its expected configuration. It does this using a cryptographic hash tree. For every block (typically 4k), there is a SHA256 hash.

Because the hash values are stored in a tree of pages, only the top-level "root" hash must be trusted to verify the rest of the tree. The ability to modify any of the blocks would be equivalent to breaking the cryptographic hash. See the following diagram for a depiction of this structure.

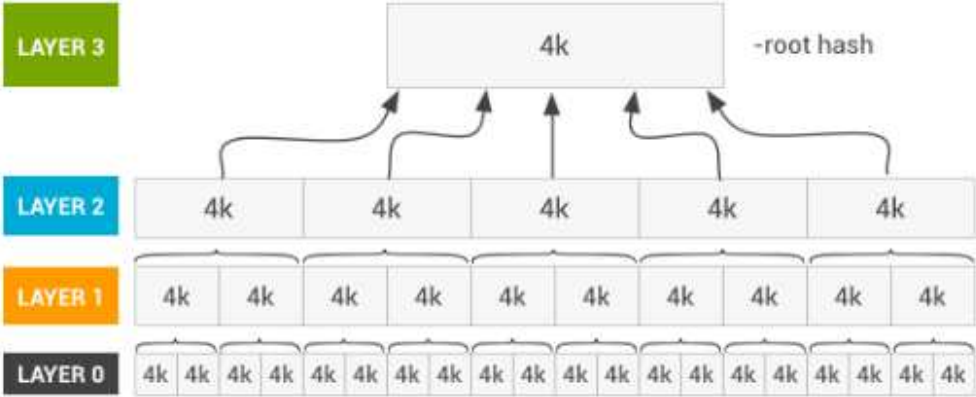


Figure 1. dm-verity hash table

A public key is included on the boot partition, which must be verified externally by the OEM. That key is used to verify the signature for that hash and confirm the device's system partition is protected and unchanged.

Source: <http://web.archive.org/web/20171201215912/https://source.android.com/security/verifiedboot>³¹, Last accessed on Mar 19, 2020

This verified boot became mandatory for Android 6.0 or later:
<https://source.android.com/compatibility/6.0/android-6.0-cdd>, Last accessed on Mar 19, 2020

³¹ See also <http://www.tomshardware.com/news/marshmallow-encryption-fingerprints-verified-boot,30369.html>, Last accessed on Mar 19, 2020

<http://www.zdnet.com/article/google-now-requires-full-device-encryption-on-new-android-6-0-devices/>, Last accessed on Mar 19, 2020

<http://www.androidauthority.com/new-google-oem-marshmallow-requirements-650266/>, Last accessed on Mar 19, 2020

https://www.linuxsecrets.com/elix-wiki/images/b/b2/Android_Verified_Boot.pdf, Last accessed on Mar 19, 2020

Encryption

Encryption is the process of encoding all user data on an Android device using symmetric encryption keys. Once a device is encrypted, all user-created data is automatically encrypted before committing it to disk and all reads automatically decrypt data before returning it to the calling process. Encryption ensures that even if an unauthorized party tries to access the data, they won't be able to read it.

Android has two methods for device encryption: full-disk encryption and file-based encryption.

Full-disk encryption

Android 5.0 and above supports [full-disk encryption](#). Full-disk encryption uses a single key—protected with the user's device password—to protect the whole of a device's userdata partition. Upon boot, the user must provide their credentials before any part of the disk is accessible.

While this is great for security, it means that most of the core functionality of the phone is not immediately available when users reboot their device. Because access to their data is protected behind their single user credential, features like alarms could not operate, accessibility services were unavailable, and phones could not receive calls.

File-based encryption

Android 7.0 and above supports [file-based encryption](#). File-based encryption allows different files to be encrypted with different keys that can be unlocked independently. Devices that support file-based encryption can also support a new feature called [Direct Boot](#) that allows encrypted devices to boot straight to the lock screen, thus enabling quick access to important device features like accessibility services and alarms.

With the introduction of file-based encryption and new APIs to make applications aware of encryption, it is possible for these apps to operate within a limited context. This can happen before users have provided their credentials while still protecting private user information.

Source: <http://web.archive.org/web/20171208043438/https://source.android.com/security/encryption/>, Last accessed on Mar 19, 2020

How Android full-disk encryption works

Android full-disk encryption is based on `dm-crypt`, which is a kernel feature that works at the block device layer. Because of this, encryption works with Embedded MultiMediaCard (eMMC) and similar flash devices that present themselves to the kernel as block devices. Encryption is not possible with YAFFS, which talks directly to a raw NAND flash chip.

The encryption algorithm is 128 Advanced Encryption Standard (AES) with cipher-block chaining (CBC) and ESSIV:SHA256. The master key is encrypted with 128-bit AES via calls to the OpenSSL library. You must use 128 bits or more for the key (with 256 being optional).

★ **Note:** OEMs can use 128-bit or higher to encrypt the master key.

In the Android 5.0 release, there are four kinds of encryption states:

- default
- PIN
- password
- pattern

Upon first boot, the device creates a randomly generated 128-bit master key and then hashes it with a default password and stored salt. The default password is: "default_password" However, the resultant hash is also signed through a TEE (such as TrustZone), which uses a hash of the signature to encrypt the master key.

You can find the default password defined in the Android Open Source Project `cryptfs.c` file.

When the user sets the PIN/pass or password on the device, only the 128-bit key is re-encrypted and stored. (ie. user PIN/pass/pattern changes do NOT cause re-encryption of userdata.) Note that `managed device` may be subject to PIN, pattern, or password restrictions.

Source: <http://web.archive.org/web/20170912153704/https://source.android.com/security/encryption/full-disk>, Last accessed on Mar 19, 2020

Storing the encrypted key

The encrypted key is stored in the crypto metadata. Hardware backing is implemented by using Trusted Execution Environment's (TEE) signing capability. Previously, we encrypted the master key with a key generated by applying script to the user's password and the stored salt. In order to make the key resilient against off-box attacks, we extend this algorithm by signing the resultant key with a stored TEE key. The resultant signature is then turned into an appropriate length key by one more application of script. This key is then used to encrypt and decrypt the master key. To store this key:

1. Generate random 16-byte disk encryption key (DEK) and 16-byte salt.
2. Apply script to the user password and the salt to produce 32-byte intermediate key 1 (IK1).
3. Pad IK1 with zero bytes to the size of the hardware-bound private key (HBK). Specifically, we pad as: 00 || IK1 || 00..00; one zero byte, 32 IK1 bytes, 223 zero bytes.
4. Sign padded IK1 with HBK to produce 256-byte IK2.
5. Apply script to IK2 and salt (same salt as step 2) to produce 32-byte IK3.
6. Use the first 16 bytes of IK3 as KEK and the last 16 bytes as IV.
7. Encrypt DEK with AES_CBC, with key KEK, and initialization vector IV.

Source: <https://web.archive.org/web/20171203224317/https://source.android.com/security/encryption/full-disk> , Last accessed on Mar 19, 2020

Architecture

The Keymaster HAL is an OEM-provided, dynamically-loadable library used by the Keystore service to provide hardware-backed cryptographic services. To keep things secure, HAL implementations don't perform any sensitive operations in user space, or even in kernel space. Sensitive operations are delegated to a secure processor reached through some kernel interface. The resulting architecture looks like this:

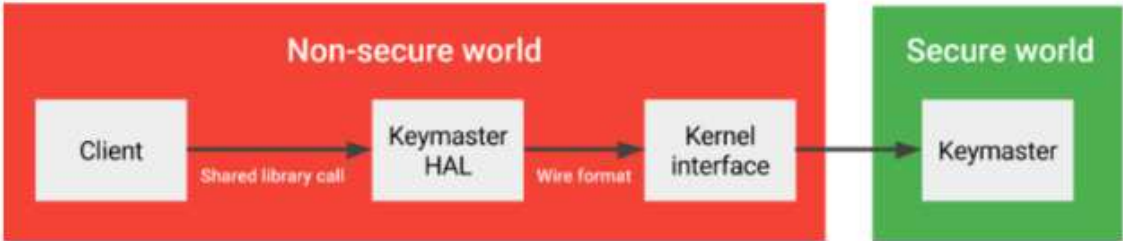


Figure 1. Access to Keymaster

Within an Android device, the "client" of the Keymaster HAL consists of multiple layers (e.g. app, framework, Keystore daemon), but that can be ignored for the purposes of this document. This means that the described Keymaster HAL API is low-level, used by platform-internal components, and not exposed to app developers. The higher-level API, for API level 23, is described on the [Android Developer site](#).

The purpose of the Keymaster HAL is not to implement the security-sensitive algorithms but only to marshal and unmarshal requests to the secure world. The wire format is implementation-defined.

Compatibility with previous versions

The Keymaster 1 HAL is completely incompatible with the previously-released HALs, e.g. Keymaster 0.2 and 0.3. To facilitate interoperability on devices running Android 5.0 and earlier that launched with the older Keymaster HALs, Keystore provides an adapter that implements the Keymaster 1 HAL with calls to the existing hardware library. The result cannot provide the full range of functionality in the Keymaster 1 HAL. In particular, it only supports RSA and ECDSA algorithms, and all of the key authorization enforcement is performed by the adapter, in the non-secure world.

Source: <https://web.archive.org/web/20170912190232/https://source.android.com/security/keystore/>, Last accessed on Mar 19, 2020

<p>11. The method of claim 10, wherein the program comprises a trusted player and the method further comprises building a manifest for the trusted player, signing the manifest with the asymmetric private key of the predetermined asymmetric key pair, and storing the asymmetric public key of the predetermined asymmetric key pair.</p>	<p>Evernote Corporation’s mobile software application products and services including by way of example, but not limited to the following apps (“mobile applications”, “mobile apps” or “Accused Products”) that are specifically developed, used, sold, offered for sale, marketed, licensed and distributed by Evernote Corporation to be downloaded onto Android mobile or tablet devices.</p> <ul style="list-style-type: none">• Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) <p>Evernote Corporation directly infringes and/or continues to knowingly induce Google to infringe this claim by intentionally developing, making, marketing, advertising, providing, sending, distributing and licensing its mobile applications software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof.</p> <p>Upon information and belief, the method step of building a manifest for the trusted player, signing the manifest with the asymmetric private key of the predetermined asymmetric key pair, and storing the asymmetric public key of the predetermined asymmetric key pair is performed by Google and/or its agents – whose acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Alternatively, to the extent any portion of this method step is performed by Evernote Corporation, such acts are attributable to Google, who conditions participation in and the receipt of a benefit, namely, the distribution of Evernote Corporation’s mobile apps through its app store, upon compliance with certain mandatory procedures and guidelines dictated by Google in the building and upload of Evernote Corporation’s mobile apps, and Evernote Corporation induces infringement by Google in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>As explained in claim 10, Android implements a secure boot functionality that verifies the operating system, including code for validating digitally signed mobile apps, when the mobile device is powered on. If this verification fails, i.e. if the operating system has been maliciously modified, the operating system, along with the mobile apps installed on the device, does not launch. When Google installs the bootloader code and the operating system on a device before the device is sold to a user, Google builds a manifest for the operating system (Google being the trusted player) and sign the manifest with their asymmetric private key and storing the corresponding asymmetric public key in the bootloader so that the manifest of the operating system can be verified during device restart.</p>
---	---

Verified Boot

Android 4.4 and later supports verified boot through the optional device-mapper-verity (dm-verity) kernel feature, which provides transparent integrity checking of block devices. dm-verity helps prevent persistent rootkits that can hold onto root privileges and compromise devices. This feature helps Android users be sure when booting a device it is in the same state as when it was last used.

Clever malware with root privileges can hide from detection programs and otherwise mask themselves. The rooting software can do this because it is often more privileged than the detectors, enabling the software to "lie" to the detection programs.

The dm-verity feature lets you look at a block device, the underlying storage layer of the file system, and determine if it matches its expected configuration. It does this using a cryptographic hash tree. For every block (typically 4k), there is a SHA256 hash.

Because the hash values are stored in a tree of pages, only the top-level "root" hash must be trusted to verify the rest of the tree. The ability to modify any of the blocks would be equivalent to breaking the cryptographic hash. See the following diagram for a depiction of this structure.

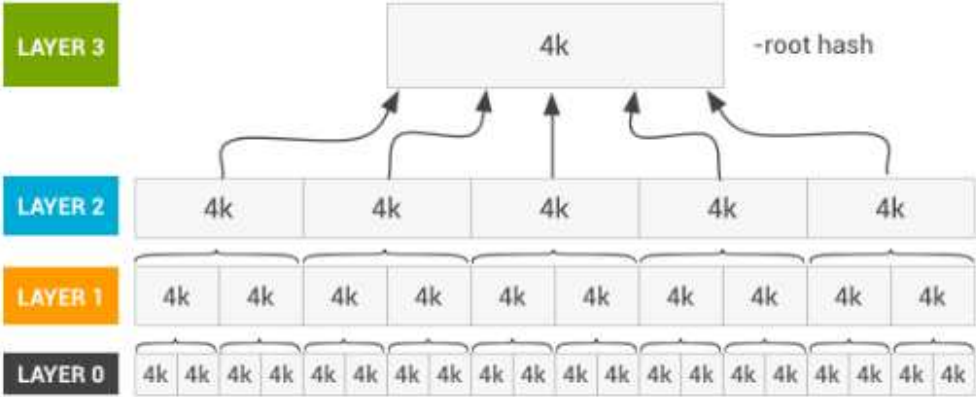


Figure 1. dm-verity hash table

A public key is included on the boot partition, which must be verified externally by the OEM. That key is used to verify the signature for that hash and confirm the device's system partition is protected and unchanged.

Source: <http://web.archive.org/web/20171201215912/https://source.android.com/security/verifiedboot/>³², Last accessed on Mar 19, 2020

This verified boot became mandatory for Android 6.0 or later:
<https://source.android.com/compatibility/6.0/android-6.0-cdd>, Last accessed on Mar 19, 2020

34. A method of securely distributing data encrypted by a public key of an asymmetric key pair comprising:

Evernote Corporation’s mobile software application products and services including by way of example, but not limited to the following apps (“mobile applications”, “mobile apps” or “Accused Products”) that are specifically developed, used, sold, offered for sale, marketed, licensed and distributed by Evernote Corporation to be downloaded onto Android mobile or tablet devices.

³² See also <http://www.tomshardware.com/news/marshmallow-encryption-fingerprints-verified-boot,30369.html>, Last accessed on Mar 19, 2020

<http://www.zdnet.com/article/google-now-requires-full-device-encryption-on-new-android-6-0-devices/>, Last accessed on Mar 19, 2020

<http://www.androidauthority.com/new-google-oem-marshmallow-requirements-650266/>, Last accessed on Mar 19, 2020

https://www.linuxsecrets.com/elinux-wiki/images/b/b2/Android_Verified_Boot.pdf, Last accessed on Mar 19, 2020

	<ul style="list-style-type: none">• Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) <p>Evernote Corporation directly infringes and/or continues to knowingly induce Google to infringe this claim by intentionally developing, making, marketing, advertising, providing, sending, distributing and licensing its mobile applications software, documentation, materials, training or support and aiding, abetting, encouraging, promoting or inviting use thereof.</p> <p>To the extent any steps identified herein are performed by Google, such acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Alternatively, any steps or acts performed by Evernote Corporation, are attributable to Google, who conditions participation in and the receipt of a benefit, namely, the distribution of Evernote Corporation’s mobile apps through its app store, upon compliance with certain mandatory procedures and guidelines dictated by Google in the building and upload of Evernote Corporation’s mobile apps, and Evernote Corporation induces infringement by Google in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>To the extent the preamble is limiting, Evernote Corporation distributes data according to the method of claim 34 as set forth below.</p> <p>In order to build and send the mobile app securely to the Google servers, Evernote Corporation practices the method of claim 34 as set forth below in order to securely distribute its mobile app to Evernote Corporation’s customers through the Google Play Store. Android Developer Console (https://play.google.com/apps/publish/, Last accessed on Mar 19, 2020) establishes SSL/TLS communications when uploading Evernote Corporation’s apps, as evidenced by the “https” in the URL. That process necessarily uses the public key of the generated asymmetric key pair to encrypt data that is used to create a symmetric key for secure communications.</p>
building an executable tamper resistant key module identified for a selected program resident on a remote system, the executable tamper	Relevant to this claim element is the Court’s previous construction ³³ of “executable tamper resistant key module” / “executable tamper resistant code module” / “tamper resistant key module” to mean “software that is designed to work with other software, that is resistant to observation and modification, and that includes a key for secure communication.” Also relevant to this claim element is the Court’s previous rejection of limiting “including” to compiling ³⁴ .

³³ See Memorandum Opinion and Order, Document 104 signed by Judge Rodney Gilstrap on 7/21/2016 in re Plano Encryption Technologies, LLC v. American Bank of Texas (2:15-cv-01273).

³⁴ Although the exact language construed from the previous claims is not at issue in claim 34, also relevant is the Court’s construction of “an asymmetric key pair having a public key and a private key” in claims 1, 9 and 10 to mean “one or more asymmetric key pairs, one of the asymmetric key pairs having the claimed public key and claimed private key, the asymmetric keys of an asymmetric key pair being complementary by

resistant key module including a private key of the asymmetric key pair and the encrypted data; and	<p>The method step of “building an executable tamper resistant key module identified for a selected program resident on a remote system, the executable tamper resistant key module including a private key of the asymmetric key pair and the encrypted data” is performed by Evernote Corporation and/or its agents.</p> <p>To the extent any portion of the method step is performed by Google and/or its agents, such acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Building of an “executable tamper resistant code module” (that is, the mobile app) requires the inclusion of at least the following different asymmetric key pairs:</p> <p>(1) An asymmetric key pair must be included in order to send the mobile app from Evernote Corporation to Google securely by SSL/TLS; and</p> <p>(2) An asymmetric key pair must be included by Evernote Corporation in order to digitally sign the mobile app with a private asymmetric key and to verify the mobile app has not been changed with the public key for Android compatible mobile apps.</p> <p>The asymmetric key pair that is included to digitally sign the mobile app is different from and in addition to the claimed asymmetric key pair used to securely upload the mobile app to the Google servers for distribution on the Google Play Store.</p> <p>Thus, at least one asymmetric key pair is included having the claimed public key and claimed private key in building the tamper resistant app so that the mobile app code can be sent uploaded to the Google servers using SSL/TLS protocol. This asymmetric key pair(s) (as with the asymmetric key pair used to digitally sign the app) is complementary as described below by performing complementary functions, such as encrypting and decrypting data and/or creating and verifying signatures. As described in greater detail below, the claimed public and private key are generated and used to securely upload the mobile app onto the Google servers by SSL/TLS when building the app, where the app includes the generated private key of the claimed asymmetric key pair(s) and the encrypted data.</p> <p>Evernote Corporation uploads their mobile apps to Google using a TLS connection – which begins with a TLS handshake. A TLS handshake is a mandatory procedure that allows Evernote Corporation and Google to exchange cryptographic parameters, including a cipher suite and arrive at a shared master secret for encrypting communication including upload of Evernote Corporation’s mobile apps to Google servers.</p>
---	--

performing complementary functions, such as encrypting and decrypting data or creating and verifying signatures.” While not necessarily adopting the Court’s construction, Honeyman has assumed that the public key and private key in claim 34 must perform complementary functions.

A TLS handshake begins with Evernote Corporation sending a list of cipher suites supported by Evernote Corporation to Google. These cipher suites specify at least one or more of the following key exchange algorithms:

Key Exchange Alg.	Certificate Key Type
RSA RSA_PSK	RSA public key; the certificate MUST allow the key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].
DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].

Source: <https://tools.ietf.org/html/rfc5246> at 48-49, Last accessed on Mar 19, 2020, Last accessed on Mar 19, 2020

F.1.1.2. RSA Key Exchange and Authentication

With RSA, key exchange and server authentication are combined. The public key is contained in the server's certificate. Note that compromise of the server's static RSA key results in a loss of confidentiality for all sessions protected under that static key. TLS users desiring Perfect Forward Secrecy should use DHE cipher suites. The damage done by exposure of a private key can be limited by changing one's private key (and certificate) frequently.

After verifying the server's certificate, the client encrypts a `pre_master_secret` with the server's public key. By successfully decoding the `pre_master_secret` and producing a correct Finished message, the server demonstrates that it knows the private key corresponding to the server certificate.

When RSA is used for key exchange, clients are authenticated using the certificate verify message (see [Section 7.4.8](#)). The client signs a value derived from all preceding handshake messages. These handshake messages include the server certificate, which binds the signature to the server, and `ServerHello.random`, which binds the signature to the current handshake process.

F.1.1.3. Diffie-Hellman Key Exchange with Authentication

When Diffie-Hellman key exchange is used, the server can either supply a certificate containing fixed Diffie-Hellman parameters or use the server key exchange message to send a set of temporary Diffie-Hellman parameters signed with a DSA or RSA certificate. Temporary parameters are hashed with the `hello.random` values before signing to ensure that attackers do not replay old parameters. In either case, the client can verify the certificate or signature to ensure that the parameters belong to the server.

If the client has a certificate containing fixed Diffie-Hellman parameters, its certificate contains the information required to complete the key exchange. Note that in this case the client and server will generate the same Diffie-Hellman result (i.e.,

pre_master_secret) every time they communicate. To prevent the pre_master_secret from staying in memory any longer than necessary, it should be converted into the master_secret as soon as possible. Client Diffie-Hellman parameters must be compatible with those supplied by the server for the key exchange to work.

If the client has a standard DSA or RSA certificate or is unauthenticated, it sends a set of temporary parameters to the server in the client key exchange message, then optionally uses a certificate verify message to authenticate itself.

If the same DH keypair is to be used for multiple handshakes, either because the client or server has a certificate containing a fixed DH keypair or because the server is reusing DH keys, care must be taken to prevent small subgroup attacks. Implementations SHOULD follow the guidelines found in [SUBGROUP].

Small subgroup attacks are most easily avoided by using one of the DHE cipher suites and generating a fresh DH private key (X) for each handshake. If a suitable base (such as 2) is chosen, $g^X \bmod p$ can be computed very quickly; therefore, the performance cost is minimized. Additionally, using a fresh key for each handshake provides Perfect Forward Secrecy. Implementations SHOULD generate a new X for each handshake when using DHE cipher suites.

Because TLS allows the server to provide arbitrary DH groups, the client should verify that the DH group is of suitable size as defined by local policy. The client SHOULD also verify that the DH public exponent appears to be of adequate size. [KEYSIZ] provides a useful guide to the strength of various group sizes. The server MAY choose to assist the client by providing a known group, such as those defined in [IKEALG] or [MODP]. These can be verified by simple comparison.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

For each of the key exchange algorithms, Evernote Corporation and/or Google build an executable tamper resistant key module that includes the generated private key and the encrypted data.

	<p>For RSA and RSA_PSK, the executable tamper resistant key module includes encrypted data (i.e. the encrypted premaster secret) as it would be impossible for Evernote Corporation to send its mobile app to Google using SSL/TLS without encrypting a premaster secret and sending it to Google. The executable tamper resistant key module also includes:</p> <ol style="list-style-type: none">1. Google's RSA private key corresponding to Google's RSA public key used by Evernote Corporation to encrypt the premaster secret.2. Evernote Corporation's private key used to code-sign the mobile app. <p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA, the executable tamper resistant key module includes encrypted data (i.e. all communication with Google subsequent to the TLS handshake, including at least the executable compiled code related to its mobile apps and information such as name, category, screenshots and description related to Evernote Corporation's mobile apps). The executable tamper resistant key module also includes:</p> <ol style="list-style-type: none">1. Google's Diffie-Hellman private key corresponding to Google's Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.2. Evernote Corporation's Diffie-Hellman private key used to compute the shared master secret.3. Google's RSA private key used to sign the message containing Google's Diffie-Hellman public key.4. Evernote Corporation's private key used to code-sign the mobile app. <p>For DHE_DSS and DH_DSS, the executable tamper resistant key module includes encrypted data (i.e. all communication with Google subsequent to the TLS handshake, including at least the executable compiled code related to its mobile apps and information such as name, category, screenshots and description related to Evernote Corporation's mobile apps). The executable tamper resistant key module also includes:</p> <ol style="list-style-type: none">1. Google's Diffie-Hellman private key corresponding to Google's Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.2. Evernote Corporation's Diffie-Hellman private key used to compute the shared master secret.3. Google's DSA private key used to sign the message containing Google's Diffie-Hellman public key.4. Evernote Corporation's private key used to code-sign the mobile app. <p>For ECDH_ECDSA and ECDHE_ECDSA, the executable tamper resistant key module includes encrypted data (i.e. all communication with Google subsequent to the TLS handshake, including at least the executable compiled code related to its mobile apps and information such as name, category, screenshots and description related to Evernote Corporation's mobile apps). The executable tamper resistant key module also includes:</p> <ol style="list-style-type: none">1. Google's Diffie-Hellman private key corresponding to Google's Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.2. Evernote Corporation's Diffie-Hellman private key used to compute the shared master secret.3. Google's ECDSA private key used to sign the message containing Google's Diffie-Hellman public key.4. Evernote Corporation's private key used to code-sign the mobile app.
--	--

	<p>Evernote Corporation builds an executable tamper resistant key module identified for a selected program resident on a remote system. Specifically, Evernote Corporation builds a mobile app, which is an executable tamper resistant key module, as explained in more detail below. This mobile app is identified for a selected program resident on a remote system, namely the Android operating system on a remote mobile device.</p> <p>The mobile app comprises an executable tamper resistant key module that is identified for the Android program and includes the claimed private key described above and the encrypted data encrypted with the claimed public key also described above in building the mobile app so that it can be made available for download from Google servers onto devices compatible with Android operating system for use by customers of Evernote Corporation. An asymmetric key pair is used not only to upload the binary code files for the mobile app, but an entire application package, including all of the metadata for the app, such as title, screenshots, and other resources or information such as application type, category, price, <i>etc.</i> which are included during the upload process so that the mobile app can be identified by potential users for download³⁵.</p> <p>Evernote Corporation’s mobile app is each an executable tamper resistant key module because it is designed to work with other software, namely the Android operating system as well as other applications or programs installed on a user’s mobile device; because the mobile app is resistant to observation and modification, as explained below; and because in building Evernote Corporation mobile apps on the Google platform, Evernote Corporation’s apps include at least the claimed generated private key and the encrypted data including by way of example, the pre-master secret encrypted with the claimed generated public key when the mobile app is securely uploaded onto the Google servers as described above.</p> <p>The tamper resistant key module includes several keys “used for secure communications” per the Court’s previous construction including at least the following:</p> <p>For RSA and RSA_PSK:</p> <ol style="list-style-type: none">1. Google’s RSA private key corresponding to Google’s RSA public key used by Evernote Corporation to encrypt the premaster secret.2. Evernote Corporation’s private key used to code-sign the mobile app.3. Symmetric key used for uploading the mobile app to Google subsequent to the TLS handshake.4. Asymmetric keys and symmetric keys used for TLS communications during operation of the app. <p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA:</p> <ol style="list-style-type: none">1. Google’s Diffie-Hellman private key corresponding to Google’s Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.2. Evernote Corporation’s Diffie-Hellman private key used to compute the shared master secret.3. Google’s RSA private key used to sign the message containing Google’s Diffie-Hellman public key.4. Evernote Corporation’s private key used to code-sign the mobile app.5. Shared master secret key used for uploading the mobile app to Google subsequent to the TLS handshake.
--	---

³⁵ See, e.g., <https://developer.android.com/studio/publish/index.html>, Last accessed on Mar 19, 2020

	<div>6. Asymmetric keys and symmetric keys used for TLS communications during operation of the app.</div> <div>For DHE_DSS and DH_DSS:<div><div>1. Google’s Diffie-Hellman private key corresponding to Google’s Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.</div><div>2. Evernote Corporation’s Diffie-Hellman private key used to compute the shared master secret.</div><div>3. Google’s DSA private key used to sign the message containing Google’s Diffie-Hellman public key.</div><div>4. Evernote Corporation’s private key used to code-sign the mobile app.</div><div>5. Shared master secret key used for uploading the mobile app to Google subsequent to the TLS handshake.</div><div>6. Asymmetric keys and symmetric keys used for TLS communications during operation of the app.</div></div></div> <div>For ECDH_ECDSA and ECDHE_ECDSA:<div><div>1. Google’s Diffie-Hellman private key corresponding to Google’s Diffie-Hellman public key used by Evernote Corporation to compute the shared master secret.</div><div>2. Evernote Corporation’s Diffie-Hellman private key used to compute the shared master secret.</div><div>3. Google’s ECDSA private key used to sign the message containing Google’s Diffie-Hellman public key.</div><div>4. Evernote Corporation’s private key used to code-sign the mobile app.</div><div>5. Shared master secret key used for uploading the mobile app to Google subsequent to the TLS handshake.</div><div>6. Asymmetric keys and symmetric keys used for TLS communications during operation of the app.</div></div></div> <div>Evernote Corporation’s mobile apps are tamper resistant, resistant to observation and modification, as follows:</div> <div><div>1. Resistant to Observation Because App Source Code Is Compiled Before Upload</div></div> <div>Evernote Corporation mobile apps are resistant to observation, at least in part, since Evernote Corporation compiles its mobile app source code before submitting the app to Google – and uploads the binary output of the compilation process rather than the source code itself³⁶.</div> <div>See, Android Studio Users Guide, “Prepare for Release” stating “To release your application to users you need to create a release-ready package that users can install and run on their Android-powered devices. The release-ready package contains the same components as the debug APK file — compiled source code, resources, manifest file, and so on — and it is built using the same build tools. However, unlike the debug APK file, the</div>
--	---

³⁶ See, e.g., <https://developer.android.com/studio/build/index.html>, Last accessed on Mar 19, 2020

	<p>release-ready APK file is signed with your own certificate and it is optimized with the zipalign tool.” https://developer.android.com/studio/publish/preparing.html, Last accessed on Mar 19, 2020</p> <p>2. Resistant to Observation Because Upload To Google Is Over SSL/TLS</p> <p>Evernote Corporation’s mobile apps are made further resistant to observation, at least in part, because the mobile app is securely sent by SSL/TLS to Google as part of the building process. Android Developer Console (https://play.google.com/apps/publish/, Last accessed on Mar 19, 2020) establishes SSL/TLS communications when uploading Evernote Corporation’s apps, as evidenced by the “https” in the URL. Sending the mobile app code by SSL/TLS is necessary to keep the code from being observed in transit from the code developer to Google.</p> <p>The secure upload process starts with a TLS handshake procedure which uses asymmetric key encryption and necessitates generation of at least one asymmetric key pair. Specifically, Evernote Corporation negotiates with Google the cipher suite and the key exchange algorithm that will be used for the handshake.</p> <table><tr><th>Key Exchange Alg.</th><th>Certificate Key Type</th></tr><tr><td>RSA</td><td>RSA public key; the certificate MUST allow the</td></tr><tr><td>RSA_PSK</td><td>key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].</td></tr></table>	Key Exchange Alg.	Certificate Key Type	RSA	RSA public key; the certificate MUST allow the	RSA_PSK	key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].
Key Exchange Alg.	Certificate Key Type						
RSA	RSA public key; the certificate MUST allow the						
RSA_PSK	key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].						

	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	

F.1.1.2. RSA Key Exchange and Authentication

With RSA, key exchange and server authentication are combined. The public key is contained in the server's certificate. Note that compromise of the server's static RSA key results in a loss of confidentiality for all sessions protected under that static key. TLS users desiring Perfect Forward Secrecy should use DHE cipher suites. The damage done by exposure of a private key can be limited by changing one's private key (and certificate) frequently.

After verifying the server's certificate, the client encrypts a `pre_master_secret` with the server's public key. By successfully decoding the `pre_master_secret` and producing a correct Finished message, the server demonstrates that it knows the private key corresponding to the server certificate.

When RSA is used for key exchange, clients are authenticated using the certificate verify message (see [Section 7.4.8](#)). The client signs a value derived from all preceding handshake messages. These handshake messages include the server certificate, which binds the signature to the server, and `ServerHello.random`, which binds the signature to the current handshake process.

F.1.1.3. Diffie-Hellman Key Exchange with Authentication

When Diffie-Hellman key exchange is used, the server can either supply a certificate containing fixed Diffie-Hellman parameters or use the server key exchange message to send a set of temporary Diffie-Hellman parameters signed with a DSA or RSA certificate. Temporary parameters are hashed with the `hello.random` values before signing to ensure that attackers do not replay old parameters. In either case, the client can verify the certificate or signature to ensure that the parameters belong to the server.

If the client has a certificate containing fixed Diffie-Hellman parameters, its certificate contains the information required to complete the key exchange. Note that in this case the client and server will generate the same Diffie-Hellman result (i.e.,

pre_master_secret) every time they communicate. To prevent the pre_master_secret from staying in memory any longer than necessary, it should be converted into the master_secret as soon as possible. Client Diffie-Hellman parameters must be compatible with those supplied by the server for the key exchange to work.

If the client has a standard DSA or RSA certificate or is unauthenticated, it sends a set of temporary parameters to the server in the client key exchange message, then optionally uses a certificate verify message to authenticate itself.

If the same DH keypair is to be used for multiple handshakes, either because the client or server has a certificate containing a fixed DH keypair or because the server is reusing DH keys, care must be taken to prevent small subgroup attacks. Implementations SHOULD follow the guidelines found in [SUBGROUP].

Small subgroup attacks are most easily avoided by using one of the DHE cipher suites and generating a fresh DH private key (X) for each handshake. If a suitable base (such as 2) is chosen, $g^X \bmod p$ can be computed very quickly; therefore, the performance cost is minimized. Additionally, using a fresh key for each handshake provides Perfect Forward Secrecy. Implementations SHOULD generate a new X for each handshake when using DHE cipher suites.

Because TLS allows the server to provide arbitrary DH groups, the client should verify that the DH group is of suitable size as defined by local policy. The client SHOULD also verify that the DH public exponent appears to be of adequate size. [KEYSIZ] provides a useful guide to the strength of various group sizes. The server MAY choose to assist the client by providing a known group, such as those defined in [IKEALG] or [MODP]. These can be verified by simple comparison.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

For each of the above key exchange algorithms, Google and/or Evernote Corporation encrypts all communication, including upload of the mobile app, using a master secret, rendering the communication resistant to observation during transit from Evernote Corporation to Google.

For **RSA and RSA_PSK**, Evernote Corporation encrypts a random premaster secret with Google’s RSA public key and sends the encrypted premaster secret to Google. Google decrypts the premaster secret with its matched RSA private key. Evernote Corporation and Google both use the premaster

	<p>secret to compute a master secret which is then used by both Evernote Corporation and Google to encrypt all subsequent communications between Evernote Corporation and Google.</p> <p>For the other key exchange algorithms, namely Diffie-Hellman based algorithms such as DHE_RSA, ECDHE_RSA, DH_RSA, DHE_DSS, DH_DSS, ECDH_RSA, ECDH_ECDSA and ECDHE_ECDSA, Evernote Corporation sends its Diffie-Hellman public key³⁷ to Google while Google sends its Diffie-Hellman public key to Evernote Corporation. Evernote Corporation then uses Google’s Diffie-Hellman public key combined with Evernote Corporation’s own Diffie-Hellman private key to compute a premaster secret. Google in turn uses Evernote Corporation’s Diffie-Hellman public key combined with Google’s own Diffie-Hellman private key to compute the same premaster secret. Evernote Corporation and Google both use the premaster secret to compute a master secret which is then used by both Evernote Corporation and Google to encrypt all subsequent communications between Evernote Corporation and Google.</p> <p>3. Resistant to Modification Because App Binary Is Code Signed</p> <p>The mobile app code is made resistant to modification, at least in part, because the app binary is code signed. Google dictates that each developer must sign the mobile app submission with his/her asymmetric developer key that certifies that the app has not been modified by a third party impersonator³⁸.</p> <p><i>Android requires that the user generates an asymmetric key all apps be digitally signed with a certificate before they can be installed. Android uses this certificate to identify the author of an app</i></p> <p>Source: https://developer.android.com/studio/publish/app-signing.html, Last accessed on Mar 19, 2020</p> <p><i>A public-key certificate, also known as a digital certificate or an identity certificate, contains the public key of a public/private key pair, as well as some other metadata identifying the owner of the key (for example, name and location). The owner of the certificate holds the corresponding private key.</i></p> <p><i>When you sign an APK, the signing tool attaches the public-key certificate to the APK. The public-key certificate serves as as a "fingerprint" that uniquely associates the APK to you and your corresponding private key. This helps Android ensure that any future updates to your APK are authentic and come from the original author.</i></p> <p><i>A keystore is a binary file that contains one or more private keys. When you sign an APK for release using Android Studio, you can choose to generate a new keystore and private key or use a keystore and private key you already have.</i></p>
--	---

³⁷ For Diffie-Hellman (DH) based algorithms such as DH_RSA, DHE_RSA, ECDH_RSA, ECDHE_RSA, DH_DSS, DHE_DSS, ECDH_ECDSA and ECDHE_ECDSA, Google calculates a hash of the message containing their Diffie-Hellman public key and encrypts the hash with their RSA/DSA/ECDSA private key (i.e. signing the message). Google then sends that RSA/DSA/ECDSA public key to Evernote Corporation in a digital certificate so that Evernote Corporation can authenticate the Google server by decrypting the hash using Google’s public key and matching the decryption result to a hash of the received message as calculated by Evernote Corporation itself. If the two values match, Evernote Corporation knows that the message originated from Google and not from a malicious third party.

³⁸ See, e.g., <https://developer.android.com/tools/publishing/app-signing.html>, Last accessed on Mar 19, 2020

Source: <https://developer.android.com/studio/publish/app-signing.html>, Last accessed on Mar 19, 2020

Generate a key and keystore

You can generate an app signing or upload key using Android Studio, using the following steps:

1. In the menu bar, click **Build > Generate Signed APK**.
2. Select a module from the drop down, and click **Next**.
3. Click **Create new** to create a new key and keystore.
4. On the **New Key Store** window, provide the following information for your keystore and key, as shown in figure 3.

Keystore

- o **Key store path:** Select the location where your keystore should be created.
- o **Password:** Create and confirm a secure password for your keystore.

Key

- o **Alias:** Enter an identifying name for your key.
- o **Password:** Create and confirm a secure password for your key. This should be different from the password you chose for your keystore
- o **Validity (years):** Set the length of time in years that your key will be valid. Your key should be valid for at least 25 years, so you can sign app updates with the same key through the lifespan of your app.
- o **Certificate:** Enter some information about yourself for your certificate. This information is not displayed in your app, but is included in your certificate as part of the APK.

Once you complete the form, click **OK**.

5. Continue on to [Manually sign an APK](#) if you would like to generate an APK signed with your new key, or click **Cancel** if you only want to generate a key and keystore, not sign an APK.
6. If you would like to opt in to use Google Play App Signing, proceed to [Manage your app signing keys](#) and follow the instructions to set up Google Play App Signing.



Figure 3. Create a new keystore in Android Studio.

Source: <http://web.archive.org/web/20171107004101/https://developer.android.com/studio/publish/app-signing.html#sign-apk>, Last accessed on Mar 19, 2020

Build and sign your app from command line

You do not need Android Studio to sign your app. You can sign your app from the command line using the `apksigner` tool or configure Gradle to sign it for you during the build. Either way, you need to first generate a private key using `keytool`. For example:

```
keytool -genkey -v -keystore my-release-key.jks
-keyalg RSA -keysize 2048 -validity 10000 -alias my-alias
```

Note: `keytool` is located in the `bin/` directory in your JDK. To locate your JDK from Android Studio, select **File > Project Structure**, and then click **SDK Location** and you will see the **JDK location**.

This example prompts you for passwords for the keystore and key, and to provide the Distinguished Name fields for your key. It then generates the keystore as a file called `my-release-key.jks`, saving it in the current directory (you can move it wherever you'd like). The keystore contains a single key that is valid for 10,000 days.

Now you can [build an unsigned APK and sign it manually](#) or instead [configure Gradle to sign your APK](#).

Build an unsigned APK and sign it manually

1. Open a command line and navigate to the root of your project directory—from Android Studio, select **View > Tool Windows > Terminal**. Then invoke the `assembleRelease` task:

```
gradlew assembleRelease
```

This creates an APK named `module_name-unsigned.apk` in `project_name/module_name/build/outputs/apk/`. The APK is *unsigned* and unaligned at this point—it can't be installed until signed with your private key.

2. Align the unsigned APK using `zipalign`:

```
zipalign -v -p 4 my-app-unsigned.apk my-app-unsigned-aligned.apk
```

`zipalign` ensures that all uncompressed data starts with a particular byte alignment relative to the start of the file, which may reduce the amount of RAM consumed by an app.

3. Sign your APK with your private key using `apksigner`:

```
apksigner sign --ks my-release-key.jks --out my-app-release.apk my-app-unsigned-aligned.apk
```

This example outputs the signed APK at `my-app-release.apk` after signing it with a private key and certificate that are stored in a single KeyStore file: `my-release-key.jks`.

The `apksigner` tool supports other signing options, including signing an APK file using separate private key and certificate files, and signing an APK using multiple signers. For more details, see the [apksigner](#) reference.

Note: To use the `apksigner` tool, you must have revision 24.0.3 or higher of the Android SDK Build Tools installed. You can update this package using the [SDK Manager](#).

4. Verify that your APK is signed:

```
apksigner verify my-app-release.apk
```

Source: <http://web.archive.org/web/20171107004101/https://developer.android.com/studio/publish/app-signing.html#sign-apk>, Last accessed on Mar 19, 2020

Secure your key

If you choose to manage and secure your app signing key and keystore yourself (instead of opting in to [use Google Play App Signing](#)), securing your app signing key is of critical importance, both to you and to the user. If you allow someone to use your key, or if you leave your keystore and passwords in an unsecured location such that a third-party could find and use them, your authoring identity and the trust of the user are compromised.

Note: If you use Google Play App Signing, your app signing key is kept secure using Google's infrastructure. You should still keep your upload key secure as described below. If your upload key is compromised, you can contact Google to revoke it and receive a new upload key.

If a third party should manage to take your key without your knowledge or permission, that person could sign and distribute apps that maliciously replace your authentic apps or corrupt them. Such a person could also sign and distribute apps under your identity that attack other apps or the system itself, or corrupt or steal user data.

Your private key is required for signing all future versions of your app. If you lose or misplace your key, you will not be able to publish updates to your existing app. You cannot regenerate a previously generated key.

Your reputation as a developer entity depends on your securing your app signing key properly, at all times, until the key is expired. Here are some tips for keeping your key secure:

- Select strong passwords for the keystore and key.
- Do not give or lend anyone your private key, and do not let unauthorized persons know your keystore and key passwords.
- Keep the keystore file containing your private key in a safe, secure place.

In general, if you follow common-sense precautions when generating, using, and storing your key, it will remain secure.

Source: <http://web.archive.org/web/20171107004101/https://developer.android.com/studio/publish/app-signing.html#sign-apk>, Last accessed on Mar 19, 2020

Evernote Corporation complies with Google's instructions on code signing as shown by Evernote Corporation's mobile app contents. Evernote Corporation's mobile apps contain files such as the files CERT.SF and CERT.RSA in Evernote Corporation's Android apps which are generated during the code signing process as per instructions from Google.

```
C:\Users\Carthaginian\Desktop\Evernote_com.evernote\META-INF\CERT.RSA - Notepad++

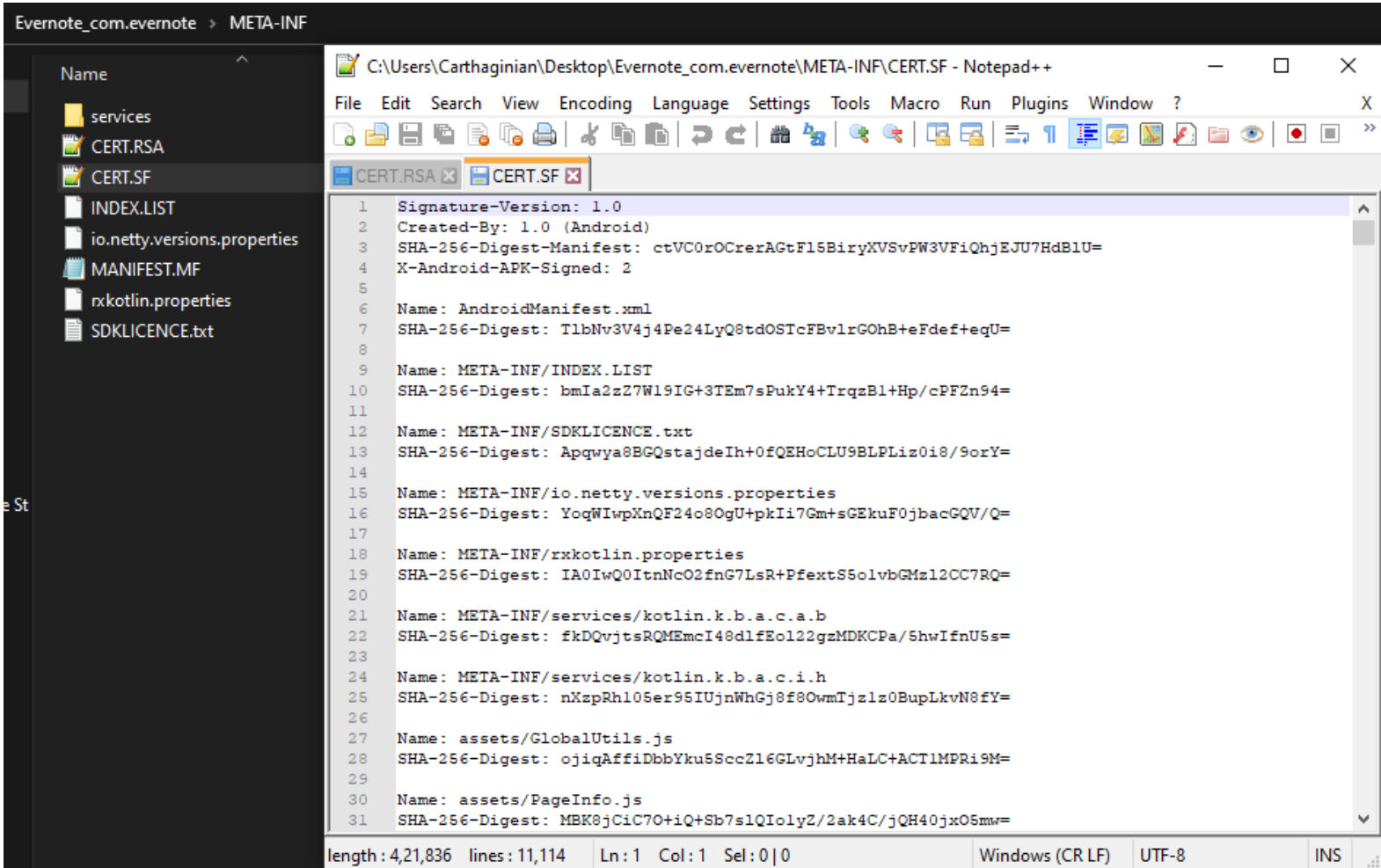
File Edit Search View Encoding Language Settings Tools Macro Run Plugins Window ?

CERT.RSA X

1 0,ETXPACK **H++
2 SOHBELSTX ,ETXi0,ETXE STXSOH SOH1ST0
3 ACK *H SOH=ETXEOTSTXSOHENQNU0VTACK **H++
4 SOHBELSOR ,STX=0,STX=0,SOH0 ETXSTXSOHSTXSTXBOTJüÜM0
5 ACK **H++
6 SOH SOHENQNU011VT0 ACKETXU EOTACKDC3STXUS1DC30 DC1ACKETXU EOTBSDC3
7 CalifornialSYN0DC4ACKETXU EOTBS1DC3
8 Mountain View1CS0ESCACKETXU EOT
9 DC3DC4Evernote Corporation!0USACKETXU EOTETXDC3CANEvernote Mobile Products0RSETB
10 0911102350372ETB
11 3911032350372011VT0 ACKETXU EOTACKDC3STXUS1DC30 DC1ACKETXU EOTBSDC3
12 CalifornialSYN0DC4ACKETXU EOTBS1DC3
13 Mountain View1CS0ESCACKETXU EOT
14 DC3DC4Evernote Corporation!0USACKETXU EOTETXDC3CANEvernote Mobile Products0Y0
15 ACK **H++
16 SOH SOH SOHENQNU0ETXNU0%STXNU0If/'8i+0NU0âRSk#VTST0b-b@3|i-Sâd
17 ETB&8rpeiSOHâ(H'wæYDC4ehESCdc,ô!0c%DC2~Ô"L4#q'2DC1;cSTXá_VT0EYc&#;#S[n!'+=STXc#K0M6"=Â;hc
18 ACK **H++
19 SOH SOHENQNU0NU0ETXNU0!30i'r3#EFj#f-xDvp h'°SOHiaôHMÖËt7BSPIR6X;*FDC2Ü65ÖcC&ZDC3f1RS+LcD'
20 _UA EOTx<fE(yiE Oïkh"DC1nx&ETBz-y")tYl,SOH/0,SOH+STXSOH SOH0,011VT0 ACKETXU EOTACKDC3STXUS
21 CalifornialSYN0DC4ACKETXU EOTBS1DC3
22 Mountain View1CS0ESCACKETXU EOT
23 DC3DC4Evernote Corporation!0USACKETXU EOTETXDC3CANEvernote Mobile ProductsSTXBOTJüÜM0
24 ACK *H SOH=ETXEOTSTXSOHENQNU0
25 ACK **H++
26 SOH SOH SOHENQNU0EOT=BELSTXG19iZ6NU0DC4|pj ág×ESC;"SUB7í|;#0âè":^0ETBÿaâ"SG!pF,šX·i»ETBw&Z
27 @,,STX|e&0uwY*17ê!%20ESSOz#F±Ü!foA!ÑE*IP;JYU<*vO!ö(Ü)ÜDLBqí

length: 994 lines: 27 Ln: 1 Col: 1 Sel: 0|0 Macintosh (CR) ANSI INS
```

Source: Contents of Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) as an example of Evernote Corporation app



	<p>Source: Contents of Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) as an example of Evernote Corporation app</p> <p>Asymmetrical key cryptography and hashing algorithms are used to create the unique digital signature for Android mobile apps. The digital signature is used to sign the resources in an application package, including the compiled code. The private key of an asymmetric key pair that is generated for the digital code signing is used to code sign the app. This private key is included in the mobile app although the private key is not the claimed private key of the claimed generated asymmetric key pair because it does not match the claimed public key used to encrypt data, based on the court’s construction.</p> <p>Hashes are created for every resource in the application package with the help of a hash algorithm. The signature manifest also has its own hash to prevent unauthorized changes. The hashes are encrypted with a private key. After the encryption is complete, the digital signature for the app is created.</p> <p>By signing the app binary with a digital signature, Evernote Corporation’s mobile apps are tamper resistant enabling Google and the Android mobile devices to verify that the application is being distributed by trusted source (<i>i.e.</i> Evernote Corporation) and that the application has not been modified by a third party, which can be verified by the corresponding public key generated as part of the pair. Thus the app binary is made resistant to modification by digital signing.</p> <p>Accordingly Evernote Corporation’s Android mobile apps establish SSL/TLS communications with Evernote Corporation’s servers, which involve a SSL/TLS handshake procedure involving asymmetric key encryption. SSL/TLS ensures secure communication and renders the mobile app data further resistant to observation.</p>
sending the executable tamper resistant key module to the remote system.	<p>Upon information and belief, the method step of sending the executable tamper resistant key module to the remote system is performed by Google and/or its agents – whose acts are attributable to Evernote Corporation (i) because Evernote Corporation works together with Google in a joint enterprise in the building and distribution of its mobile apps, or (ii) because Google distributes and markets Evernote Corporation’s mobile apps under the direction and control of Evernote Corporation, or acts as agent, or on behalf of Evernote Corporation, in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p> <p>Alternatively, to the extent any portion of this method step is performed by Evernote Corporation, such acts are attributable to Google, who conditions participation in and the receipt of a benefit, namely, the distribution of Evernote Corporation’s mobile apps through its app store, upon compliance with certain mandatory procedures and guidelines dictated by Google in the building and upload of Evernote Corporation’s mobile apps, and Evernote Corporation induces infringement by Google in the building, marketing and distribution of Evernote Corporation’s mobile apps.</p>

	<p>Evernote Corporation’s mobile apps are sent or downloaded from Google servers and are executed on Android remote devices such as mobile phones and tablets. When a user accesses Google Play Store – and requests to download Evernote Corporation app, Google sends the executable tamper resistant key module from the Google servers to the remote device(s).</p> <p>Further, the step of “sending” Evernote Corporation mobile apps to the remote system occurs via TLS/SSL communications. Thus, the sending of Evernote Corporation mobile apps, to the extent required by the claims, also includes a private key and data encrypted by a public key, as explained in detail above.</p> <p>In particular, Evernote Corporation mobile apps sent to users’ remote devices are tamper resistant, resistant to observation and modification as follows:</p> <p>1. Resistant to Observation Because App is Downloaded in Compiled Form</p> <p>Evernote Corporation mobile apps are resistant to observation, at least in part, since Evernote Corporation compiles its mobile app source code before submitting the app to Google – and uploads the binary output of the compilation process rather than the source code itself – and hence a user can only download the compiled source code from Google rather than the source code itself³⁹.</p> <p>See, Android Studio Users Guide, “Prepare for Release” stating “To release your application to users you need to create a release-ready package that users can install and run on their Android-powered devices. The release-ready package contains the same components as the debug APK file — compiled source code, resources, manifest file, and so on — and it is built using the same build tools. However, unlike the debug APK file, the release-ready APK file is signed with your own certificate and it is optimized with the zipalign tool.” https://developer.android.com/studio/publish/preparing.html, Last accessed on Mar 19, 2020</p> <p>2. Resistant to Observation Because Download from Google Is Over SSL/TLS</p> <p>Evernote Corporation’s mobile apps are made further resistant to observation, at least in part, because the mobile app is securely sent or downloaded by SSL/TLS from Google servers. Evernote Corporation app users establish SSL/TLS communications with Play Store (for example using the URL https://play.google.com/store/apps/details?id=com.evernote&hl=en_US for Evernote, Last accessed on Mar 19, 2020) when downloading Evernote Corporation’s apps, as evidenced by the “https” in the URL. Sending the mobile app code by SSL/TLS is necessary to keep the code from being observed in transit from Google to the user’s remote system.</p>
--	--

³⁹ See, e.g., <https://developer.android.com/studio/build/index.html>, Last accessed on Mar 19, 2020

The secure download process starts with a TLS handshake procedure which uses asymmetric key encryption and necessitates generation of at least one asymmetric key pair. Specifically, user’s remote device negotiates with Google the cipher suite and the key exchange algorithm that will be used for the handshake:

Key Exchange Alg.	Certificate Key Type
RSA RSA_PSK	RSA public key; the certificate MUST allow the key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].
DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].

	<p>Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020</p> <p>Each of these algorithms necessitates generating one or more asymmetric key pairs – that are in turn used to compute a shared master secret for encrypting the mobile app download.</p> <p>For RSA and RSA_PSK, Google server generates an RSA public-private key pair.</p> <p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA, Google server generates an RSA public-private key pair as well as a Diffie-Hellman public-private key pair⁴⁰. The user’s remote device also generates a second Diffie-Hellman public-private key pair.</p> <p>For DHE_DSS and DH_DSS, Google server generates a DSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair.</p> <p>For ECDH_ECDSA and ECDHE_ECDSA, Google server generates an ECDSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair.</p>
--	--

⁴⁰ ECDH and ECDHE algorithms require generating at the server and the client, elliptical curve parameters that constitute a Diffie-Hellman public-private key pair. See, for example, <https://tools.ietf.org/html/rfc5246> page 49-52, <https://tools.ietf.org/html/rfc7525> page 12, <http://www.cse.hut.fi/fi/opinnot/T-110.5241/2011/luennot-files/Network%20Security%2004%20-%20TLS.pdf>, <http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/140sp/140sp2897.pdf>, <http://www.networkworld.com/article/2268575/lan-wan/chapter-2--ssl-vpn-technology.html>, <http://homes.esat.kuleuven.be/~fvercaut/papers/ACM2012.pdf>, Implementing SSL / TLS Using Cryptography and PKI by Joshua Davies, ISBN 1118038770, 9781118038772, [Page 305](#) and Introduction to Computer Networks and Cybersecurity By Chwan-Hwa (John) Wu, J. David Irwin, ISBN 1466572140, 9781466572140, [Page 1021](#), which state that ECDH requires generating a Diffie-Hellman public-private key pair, Last accessed on Mar 19, 2020

	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	

7.4.3. Server Key Exchange Message

When this message will be sent:

This message will be sent immediately after the server Certificate message (or the ServerHello message, if this is an anonymous negotiation).

The ServerKeyExchange message is sent by the server only when the server Certificate message (if sent) does not contain enough data to allow the client to exchange a premaster secret. This is true for the following key exchange methods:

DHE_DSS
DHE_RSA
DH_anon

It is not legal to send the ServerKeyExchange message for the following key exchange methods:

RSA
DH_DSS
DH_RSA

This message conveys cryptographic information to allow the client to communicate the premaster secret: a Diffie-Hellman public key with which the client can complete a key exchange (with the result being the premaster secret) or a public key for some other algorithm.

Source: <https://tools.ietf.org/html/rfc5246> at 50-51, Last accessed on Mar 19, 2020

F.1.1.2. RSA Key Exchange and Authentication

With RSA, key exchange and server authentication are combined. The public key is contained in the server's certificate. Note that compromise of the server's static RSA key results in a loss of confidentiality for all sessions protected under that static key. TLS users desiring Perfect Forward Secrecy should use DHE cipher suites. The damage done by exposure of a private key can be limited by changing one's private key (and certificate) frequently.

After verifying the server's certificate, the client encrypts a `pre_master_secret` with the server's public key. By successfully decoding the `pre_master_secret` and producing a correct Finished message, the server demonstrates that it knows the private key corresponding to the server certificate.

When RSA is used for key exchange, clients are authenticated using the certificate verify message (see [Section 7.4.8](#)). The client signs a value derived from all preceding handshake messages. These handshake messages include the server certificate, which binds the signature to the server, and `ServerHello.random`, which binds the signature to the current handshake process.

F.1.1.3. Diffie-Hellman Key Exchange with Authentication

When Diffie-Hellman key exchange is used, the server can either supply a certificate containing fixed Diffie-Hellman parameters or use the server key exchange message to send a set of temporary Diffie-Hellman parameters signed with a DSA or RSA certificate. Temporary parameters are hashed with the `hello.random` values before signing to ensure that attackers do not replay old parameters. In either case, the client can verify the certificate or signature to ensure that the parameters belong to the server.

If the client has a certificate containing fixed Diffie-Hellman parameters, its certificate contains the information required to complete the key exchange. Note that in this case the client and server will generate the same Diffie-Hellman result (i.e.,

pre_master_secret) every time they communicate. To prevent the pre_master_secret from staying in memory any longer than necessary, it should be converted into the master_secret as soon as possible. Client Diffie-Hellman parameters must be compatible with those supplied by the server for the key exchange to work.

If the client has a standard DSA or RSA certificate or is unauthenticated, it sends a set of temporary parameters to the server in the client key exchange message, then optionally uses a certificate verify message to authenticate itself.

If the same DH keypair is to be used for multiple handshakes, either because the client or server has a certificate containing a fixed DH keypair or because the server is reusing DH keys, care must be taken to prevent small subgroup attacks. Implementations SHOULD follow the guidelines found in [SUBGROUP].

Small subgroup attacks are most easily avoided by using one of the DHE cipher suites and generating a fresh DH private key (X) for each handshake. If a suitable base (such as 2) is chosen, $g^X \bmod p$ can be computed very quickly; therefore, the performance cost is minimized. Additionally, using a fresh key for each handshake provides Perfect Forward Secrecy. Implementations SHOULD generate a new X for each handshake when using DHE cipher suites.

Because TLS allows the server to provide arbitrary DH groups, the client should verify that the DH group is of suitable size as defined by local policy. The client SHOULD also verify that the DH public exponent appears to be of adequate size. [KEYSIZ] provides a useful guide to the strength of various group sizes. The server MAY choose to assist the client by providing a known group, such as those defined in [IKEALG] or [MODP]. These can be verified by simple comparison.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

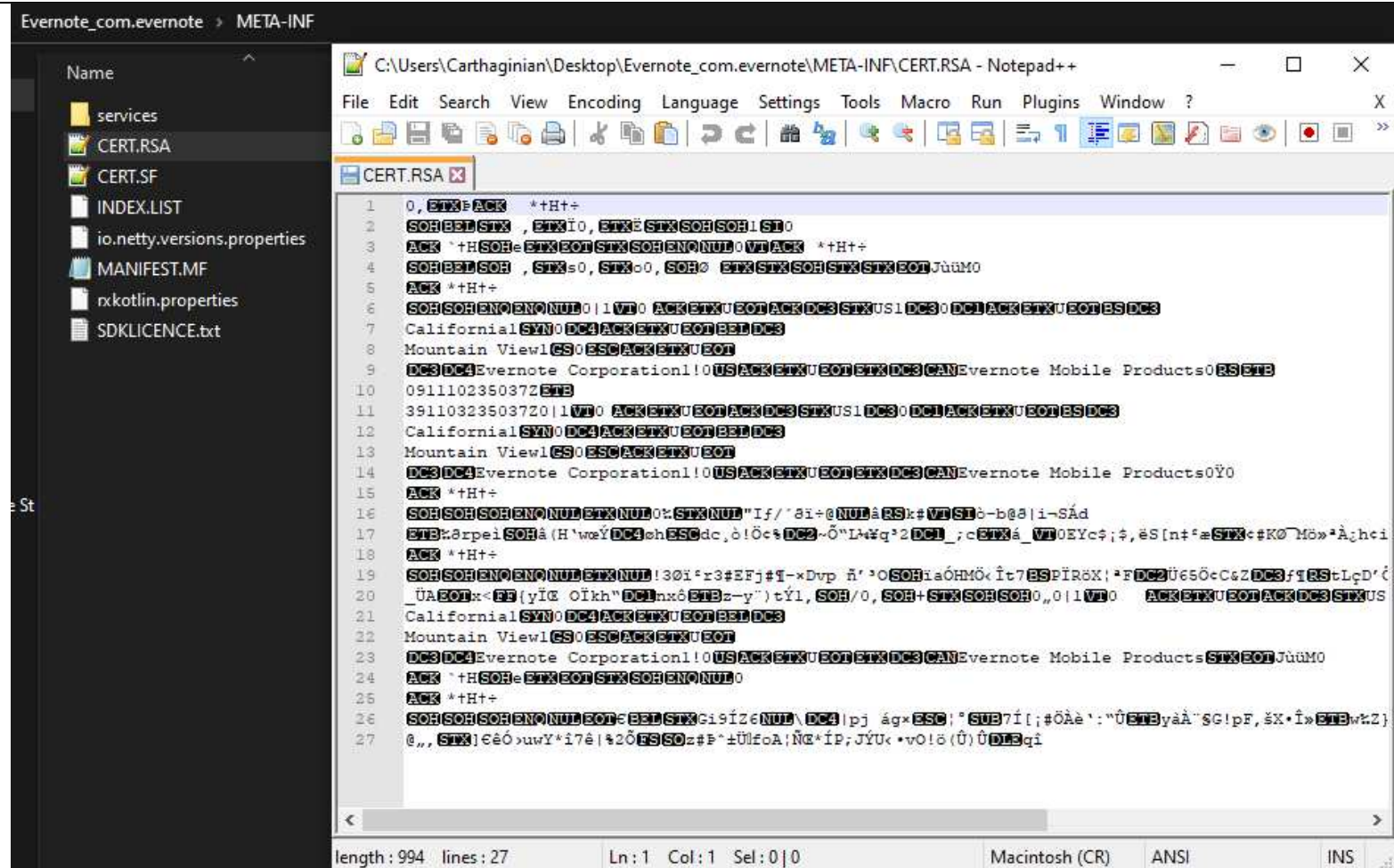
The generated asymmetric key pairs are then used to compute a shared master secret which is then used to encrypt the mobile app download so that it is resistant to observation during transit.

	<p>For RSA and RSA_PSK, the RSA public-private key pair is used to encrypt a random premaster secret which is in turn used by Google server and the user's remote device to compute a master secret. Google uses the master secret to encrypt the mobile app and the user's remote device uses to decrypt the downloaded mobile app according to the TLS protocol.</p> <p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA, Google server generates an RSA public-private key pair as well as a Diffie-Hellman public-private key pair⁴¹. The user's remote device also generates a second Diffie-Hellman public-private key pair. Google server uses its Diffie-Hellman private key and the user's Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user's remote device uses the user's Diffie-Hellman private key and Google's Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret that Google uses to encrypt the mobile app and the user's remote device uses to decrypt the downloaded mobile app according to the TLS protocol.</p> <p>For DHE_DSS and DH_DSS, Google server generates a DSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user's remote device also generates a second Diffie-Hellman public-private key pair. Google server uses its Diffie-Hellman private key and the user's Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user's remote device uses the user's Diffie-Hellman private key and Google's Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret that Google uses to encrypt the mobile app and the user's remote device uses to decrypt the downloaded mobile app according to the TLS protocol.</p> <p>For ECDH_ECDSA and ECDHE_ECDSA, Google server generates an ECDSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user's remote device also generates a second Diffie-Hellman public-private key pair. Google server uses its Diffie-Hellman private key and the user's Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user's remote device uses the user's Diffie-Hellman private key and Google's Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret that Google uses to encrypt the mobile app and the user's remote device uses to decrypt the downloaded mobile app according to the TLS protocol.</p> <p>3. Resistant to Modification Because Mobile App is Code Signed</p> <p>The downloaded mobile app code is resistant to modification, at least in part, because the downloaded app binary is code signed. Code-signing allows users' remote systems to verify that the downloaded app binary is authentic and has not been maliciously modified by a third party. Google</p>
--	---

⁴¹ ECDH and ECDHE algorithms require generating at the server and the client, elliptical curve parameters that constitute a Diffie-Hellman public-private key pair. See, for example, <https://tools.ietf.org/html/rfc5246> page 49-52, <https://tools.ietf.org/html/rfc7525> page 12, <http://www.cse.hut.fi/fi/opinnot/T-110.5241/2011/luennot-files/Network%20Security%2004%20-%20TLS.pdf>, <http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/140sp/140sp2897.pdf>, <http://www.networkworld.com/article/2268575/lan-wan/chapter-2--ssl-vpn-technology.html>, <http://homes.esat.kuleuven.be/~fvercaut/papers/ACM2012.pdf>, Implementing SSL / TLS Using Cryptography and PKI by Joshua Davies, ISBN 1118038770, 9781118038772, [Page 305](#) and Introduction to Computer Networks and Cybersecurity By Chwan-Hwa (John) Wu, J. David Irwin, ISBN 1466572140, 9781466572140, [Page 1021](#), which state that ECDH requires generating a Diffie-Hellman public-private key pair, Last accessed on Mar 19, 2020

	<p>dictates that each developer must sign the mobile app submission with his/her asymmetric developer key that certifies that the app has not been modified by a third party impersonator⁴².</p> <p><i>Android requires that the user generates an asymmetric key all apps be digitally signed with a certificate before they can be installed. Android uses this certificate to identify the author of an app</i></p> <p>Source: https://developer.android.com/studio/publish/app-signing.html</p> <p><i>A public-key certificate, also known as a digital certificate or an identity certificate, contains the public key of a public/private key pair, as well as some other metadata identifying the owner of the key (for example, name and location). The owner of the certificate holds the corresponding private key.</i></p> <p><i>When you sign an APK, the signing tool attaches the public-key certificate to the APK. The public-key certificate serves as as a "fingerprint" that uniquely associates the APK to you and your corresponding private key. This helps Android ensure that any future updates to your APK are authentic and come from the original author.</i></p> <p><i>A keystore is a binary file that contains one or more private keys. When you sign an APK for release using Android Studio, you can choose to generate a new keystore and private key or use a keystore and private key you already have.</i></p> <p>Source: https://developer.android.com/studio/publish/app-signing.html, Last accessed on Mar 19, 2020</p> <p>Evernote Corporation complies with Google’s instructions on code signing as shown by Evernote Corporation’s mobile app contents. Evernote Corporation’s mobile apps contain files such as the files CERT.SF and CERT.RSA in Evernote Corporation’s Android mobile apps which are generated during the code signing process as per instructions from Google.</p>
--	--

⁴² See, e.g., <https://developer.android.com/tools/publishing/app-signing.html>, Last accessed on Mar 19, 2020



Source: Contents of Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) as an example of Evernote Corporation app

The screenshot shows a Notepad++ window titled "C:\Users\Carthaginian\Desktop\Evernote_com.evernote\META-INF\CERT.SF - Notepad++". The window displays the contents of a digital signature file (CERT.SF) in a monospaced font. The file lists various components of the Evernote app, including services, manifests, and assets, along with their SHA-256 hashes and signatures. The left sidebar of the Notepad++ window shows a file explorer view of the "META-INF" directory, with files like "CERT.RSA", "CERT.SF", "INDEX.LIST", "io.netty.versions.properties", "MANIFEST.MF", "rxkotlin.properties", and "SDKLICENCE.txt".

```

1 Signature-Version: 1.0
2 Created-By: 1.0 (Android)
3 SHA-256-Digest-Manifest: ctVC0rOCrerAGtF15BiryXVSvPW3VFiQhJEJU7HdB1U=
4 X-Android-APK-Signed: 2
5
6 Name: AndroidManifest.xml
7 SHA-256-Digest: T1bNv3V4j4Pe24LyQ8tdOSTcFBv1rGOhB+eFdef+eqU=
8
9 Name: META-INF/INDEX.LIST
10 SHA-256-Digest: bmIa2zZ7W19IG+3TEm7sPukY4+TrqzB1+Hp/cPFZn94=
11
12 Name: META-INF/SDKLICENCE.txt
13 SHA-256-Digest: Apqwya8BGQstajdeIh+0fQEHoCLU9BLPLiz0i8/9orY=
14
15 Name: META-INF/io.netty.versions.properties
16 SHA-256-Digest: YeqWlwpXnQF24o8OgU+pkIi7Gm+sGEkuF0jbacGQV/Q=
17
18 Name: META-INF/rxkotlin.properties
19 SHA-256-Digest: IA0IwQ0ItNnc02fnG7LsR+PfextS5o1vbGMz12CC7RQ=
20
21 Name: META-INF/services/kotlin.k.b.a.c.a.b
22 SHA-256-Digest: fkDQvjtsRQMEmcI48dlfEol22gzMDKCPa/5hwIfnU5s=
23
24 Name: META-INF/services/kotlin.k.b.a.c.i.h
25 SHA-256-Digest: nXzpRh105er95IUjnWhGj8f8OvmTjz1z0BupLkvN8fY=
26
27 Name: assets/GlobalUtils.js
28 SHA-256-Digest: ojiqAffiDbbYku5Scc216GLvjhM+HaLC+ACT1MPRI9M=
29
30 Name: assets/PageInfo.js
31 SHA-256-Digest: MBK8jCiC70+iQ+Sb7s1QIolyZ/2ak4C/jQH40jxO5mw=

```

length: 4,21,836 lines: 11,114 Ln: 1 Col: 1 Sel: 0|0 Windows (CR LF) UTF-8 INS

Source: Contents of Evernote - Notes Organizer & Daily Planner (https://play.google.com/store/apps/details?id=com.evernote&hl=en_US, Last accessed on Mar 19, 2020) as an example of Evernote Corporation app

By signing the app binary with a digital signature, Evernote Corporation's mobile apps are tamper resistant enabling Google and the Android mobile devices to verify that the application is being distributed by trusted source (*i.e.* Evernote Corporation) and that the application has not been modified

	<p>by a third party, which can be verified by the corresponding public key generated as part of the pair. Thus the app binary is made resistant to modification by digital signing.</p> <p>Accordingly Evernote Corporation’s Android mobile apps establish SSL/TLS communications with Evernote Corporation’s servers, which involve a SSL/TLS handshake procedure involving asymmetric key encryption. SSL/TLS ensures secure communication and renders the mobile app data further resistant to observation.</p> <p>4. Resistant to Observation Because Mobile App is Stored on Remote System in Encrypted Form</p> <p>The mobile app is made further resistant to observation because when downloaded and installed on a user’s Android mobile device, it is stored in an encrypted form. Android implements disk encryption for encrypting the operating system software, apps and all related data on a mobile device – which further renders Evernote Corporation app resistant to observation⁴³.</p> <p>5. Resistant to Observation Because Mobile App Securely Communicates with Evernote Corporation Over SSL/TLS</p> <p>Evernote Corporation’s mobile apps are made further resistant to observation, at least in part, because the mobile app communicates with Evernote Corporation using SSL/TLS during operation. Evernote Corporation app users establish SSL/TLS communications with Evernote Corporation servers when the app is executed. Such secure communication is necessary to keep source code as well as user identity and activity from being observed in transit from the remote system to Evernote Corporation servers and vice versa.</p> <p>The secure communications process starts with a TLS handshake procedure which uses asymmetric key encryption and necessitates generation of at least one asymmetric key pair. Specifically, user’s remote device negotiates with Evernote Corporation servers the cipher suite and the key exchange algorithm that will be used for the handshake.</p>
--	--

⁴³ See, e.g., <https://source.android.com/security/encryption/>, Last accessed on Mar 19, 2020

Key Exchange Alg.	Certificate Key Type
RSA RSA_PSK	RSA public key; the certificate MUST allow the key to be used for encryption (the keyEncipherment bit MUST be set if the key usage extension is present). Note: RSA_PSK is defined in [TLSPSK].
DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	
Each of these algorithms necessitates generating one or more asymmetric key pairs – that are in turn used to compute a shared master secret for encrypting communication between Evernote Corporation and user’s remote device.	

	<p>For RSA and RSA_PSK, Evernote Corporation server generates an RSA public-private key pair.</p> <p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA, Evernote Corporation server generates an RSA public-private key pair as well as a Diffie-Hellman public-private key pair⁴⁴. The user’s remote device also generates a second Diffie-Hellman public-private key pair.</p> <p>For DHE_DSS and DH_DSS, Evernote Corporation server generates a DSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair.</p> <p>For ECDH_ECDSA and ECDHE_ECDSA, Evernote Corporation server generates an ECDSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair.</p>
--	--

⁴⁴ ECDH and ECDHE algorithms require generating at the server and the client, elliptical curve parameters that constitute a Diffie-Hellman public-private key pair. See, for example, <https://tools.ietf.org/html/rfc5246> page 49-52, <https://tools.ietf.org/html/rfc7525> page 12, <http://www.cse.hut.fi/fi/opinnot/T-110.5241/2011/luennot-files/Network%20Security%2004%20-%20TLS.pdf>, <http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/140sp/140sp2897.pdf>, <http://www.networkworld.com/article/2268575/lan-wan/chapter-2--ssl-vpn-technology.html>, <http://homes.esat.kuleuven.be/~fvercaut/papers/ACM2012.pdf>, Implementing SSL / TLS Using Cryptography and PKI by Joshua Davies, ISBN 1118038770, 9781118038772, [Page 305](#) and Introduction to Computer Networks and Cybersecurity By Chwan-Hwa (John) Wu, J. David Irwin, ISBN 1466572140, 9781466572140, [Page 1021](#), which state that ECDH requires generating a Diffie-Hellman public-private key pair, Last accessed on Mar 19, 2020

	DHE_RSA ECDHE_RSA	RSA public key; the certificate MUST allow the key to be used for signing (the digitalSignature bit MUST be set if the key usage extension is present) with the signature scheme and hash algorithm that will be employed in the server key exchange message. Note: ECDHE_RSA is defined in [TLSECC].
	DHE_DSS	DSA public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message.
	DH_DSS DH_RSA	Diffie-Hellman public key; the keyAgreement bit MUST be set if the key usage extension is present.
	ECDH_ECDSA ECDH_RSA	ECDH-capable public key; the public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	ECDHE_ECDSA	ECDSA-capable public key; the certificate MUST allow the key to be used for signing with the hash algorithm that will be employed in the server key exchange message. The public key MUST use a curve and point format supported by the client, as described in [TLSECC].
	Source: https://tools.ietf.org/html/rfc5246 at 48-49, Last accessed on Mar 19, 2020	

7.4.3. Server Key Exchange Message

When this message will be sent:

This message will be sent immediately after the server Certificate message (or the ServerHello message, if this is an anonymous negotiation).

The ServerKeyExchange message is sent by the server only when the server Certificate message (if sent) does not contain enough data to allow the client to exchange a premaster secret. This is true for the following key exchange methods:

- DHE_DSS
- DHE_RSA
- DH_anon

It is not legal to send the ServerKeyExchange message for the following key exchange methods:

- RSA
- DH_DSS
- DH_RSA

This message conveys cryptographic information to allow the client to communicate the premaster secret: a Diffie-Hellman public key with which the client can complete a key exchange (with the result being the premaster secret) or a public key for some other algorithm.

Source: <https://tools.ietf.org/html/rfc5246> at 50-51, Last accessed on Mar 19, 2020

F.1.1.2. RSA Key Exchange and Authentication

With RSA, key exchange and server authentication are combined. The public key is contained in the server's certificate. Note that compromise of the server's static RSA key results in a loss of confidentiality for all sessions protected under that static key. TLS users desiring Perfect Forward Secrecy should use DHE cipher suites. The damage done by exposure of a private key can be limited by changing one's private key (and certificate) frequently.

After verifying the server's certificate, the client encrypts a `pre_master_secret` with the server's public key. By successfully decoding the `pre_master_secret` and producing a correct Finished message, the server demonstrates that it knows the private key corresponding to the server certificate.

When RSA is used for key exchange, clients are authenticated using the certificate verify message (see [Section 7.4.8](#)). The client signs a value derived from all preceding handshake messages. These handshake messages include the server certificate, which binds the signature to the server, and `ServerHello.random`, which binds the signature to the current handshake process.

F.1.1.3. Diffie-Hellman Key Exchange with Authentication

When Diffie-Hellman key exchange is used, the server can either supply a certificate containing fixed Diffie-Hellman parameters or use the server key exchange message to send a set of temporary Diffie-Hellman parameters signed with a DSA or RSA certificate. Temporary parameters are hashed with the `hello.random` values before signing to ensure that attackers do not replay old parameters. In either case, the client can verify the certificate or signature to ensure that the parameters belong to the server.

If the client has a certificate containing fixed Diffie-Hellman parameters, its certificate contains the information required to complete the key exchange. Note that in this case the client and server will generate the same Diffie-Hellman result (i.e.,

pre_master_secret) every time they communicate. To prevent the pre_master_secret from staying in memory any longer than necessary, it should be converted into the master_secret as soon as possible. Client Diffie-Hellman parameters must be compatible with those supplied by the server for the key exchange to work.

If the client has a standard DSA or RSA certificate or is unauthenticated, it sends a set of temporary parameters to the server in the client key exchange message, then optionally uses a certificate verify message to authenticate itself.

If the same DH keypair is to be used for multiple handshakes, either because the client or server has a certificate containing a fixed DH keypair or because the server is reusing DH keys, care must be taken to prevent small subgroup attacks. Implementations SHOULD follow the guidelines found in [SUBGROUP].

Small subgroup attacks are most easily avoided by using one of the DHE cipher suites and generating a fresh DH private key (X) for each handshake. If a suitable base (such as 2) is chosen, $g^X \bmod p$ can be computed very quickly; therefore, the performance cost is minimized. Additionally, using a fresh key for each handshake provides Perfect Forward Secrecy. Implementations SHOULD generate a new X for each handshake when using DHE cipher suites.

Because TLS allows the server to provide arbitrary DH groups, the client should verify that the DH group is of suitable size as defined by local policy. The client SHOULD also verify that the DH public exponent appears to be of adequate size. [KEYSIZ] provides a useful guide to the strength of various group sizes. The server MAY choose to assist the client by providing a known group, such as those defined in [IKEALG] or [MODP]. These can be verified by simple comparison.

Source: The Transport Layer Security (TLS) Protocol Version 1.2, IETF RFC 5246, <https://tools.ietf.org/html/rfc5246>, Last accessed on Mar 19, 2020

The generated asymmetric key pairs are then used to compute a shared master secret which is then used to encrypt subsequent communications between Evernote Corporation and the user's remote device so that they are resistant to observation during transit.

	<p>For RSA and RSA_PSK, the RSA public-private key pair is used to encrypt a random premaster secret which is in turn used by Evernote Corporation server and the user’s remote device to compute a master secret. Evernote Corporation and the user’s remote device use the master secret for encrypting and decrypting communication messages.</p> <p>For DHE_RSA, ECDHE_RSA, DH_RSA and ECDH_RSA, Evernote Corporation server generates an RSA public-private key pair as well as a Diffie-Hellman public-private key pair⁴⁵. The user’s remote device also generates a second Diffie-Hellman public-private key pair. Evernote Corporation server uses its Diffie-Hellman private key and the user’s Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user’s remote device uses the user’s Diffie-Hellman private key and Google’s Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret for encrypting and decrypting communication messages.</p> <p>For DHE_DSS and DH_DSS, Evernote Corporation server generates a DSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair. Evernote Corporation server uses its Diffie-Hellman private key and the user’s Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user’s remote device uses the user’s Diffie-Hellman private key and Google’s Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret for encrypting and decrypting communication messages.</p> <p>For ECDH_ECDSA and ECDHE_ECDSA, Evernote Corporation server generates an ECDSA public-private key pair as well as a Diffie-Hellman public-private key pair. The user’s remote device also generates a second Diffie-Hellman public-private key pair. Evernote Corporation server uses its Diffie-Hellman private key and the user’s Diffie-Hellman public key to compute a premaster secret, and subsequently compute a master secret. The user’s remote device uses the user’s Diffie-Hellman private key and Google’s Diffie-Hellman public key to compute the same premaster secret and subsequently the master secret for encrypting and decrypting communication messages.</p>
--	--

⁴⁵ ECDH and ECDHE algorithms require generating at the server and the client, elliptical curve parameters that constitute a Diffie-Hellman public-private key pair. See, for example, <https://tools.ietf.org/html/rfc5246> page 49-52, <https://tools.ietf.org/html/rfc7525> page 12, <http://www.cse.hut.fi/fi/opinnot/T-110.5241/2011/luennot-files/Network%20Security%2004%20-%20TLS.pdf>, <http://csrc.nist.gov/groups/STM/cmvp/documents/140-1/140sp/140sp2897.pdf>, <http://www.networkworld.com/article/2268575/lan-wan/chapter-2--ssl-vpn-technology.html>, <http://homes.esat.kuleuven.be/~fvercaut/papers/ACM2012.pdf>, Implementing SSL / TLS Using Cryptography and PKI by Joshua Davies, ISBN 1118038770, 9781118038772, [Page 305](#) and Introduction to Computer Networks and Cybersecurity By Chwan-Hwa (John) Wu, J. David Irwin, ISBN 1466572140, 9781466572140, [Page 1021](#), which state that ECDH requires generating a Diffie-Hellman public-private key pair, Last accessed on Mar 19, 2020